

Crime-1937

Alabama.

Montgomery, Ala. Journal
January 13, 1937

Graves Reprieves Condemned Negro

Will Ross, Dallas county negro, condemned to the electric chair January 29, Wednesday had a reprieve until February 26 from Gov. Bibb Graves. The reprieve was granted on recommendation of the state board of pardons and at the request of Defense Attorneys T. G. Gayle and William B. Craig, both of Selma.

Gayle's wife was the first victim of Selma's tragic Phantom club fire December 29 that took six lives. Mrs. Craig still is in serious condition from burns received in the same fire. In their communication to the pardon board, the attorneys said they had not had opportunity to properly prepare a petition for clemency for Ross.

Knife Through Heart, Negro May Recover

MOBILE, Ala., Feb. 24. (P)—Mobile surgeons marveled today at an operation, said to be one of the rarest on record, performed by one of their number.

Paul W. Cox, negro, was reported recovering at City Hospital after the surgeon had taken seven stitches in his heart. The negro was injured in a fight with another of his race and his heart was pierced completely through the left ventricle.

Dothan Officer Shot In Battle With Negro

3-29-37
DOTHAN, ALA., March 28. (Special)—Police Officer Ellis Strickland was recovering today from a bullet wound in the left arm received in a gun battle early this morning with a negro who shot it out with him and his partner, Police Capt. Julian Draughton.

Strickland's wrist watch was blasted away by the negro's bullet, the slug entering the forearm.

On regular patrol, Strickland and Draughton found two negroes fighting in "Baptist Bottom." As the former alighted, one negro without a word opened fire. Strickland shot once, missing, and Draughton swapped shot for shot until the negro disappeared.

Draughton took his partner to a hospital and returned to lead the search for the negro.

Birmingham, Ala., Age-Herald
May 7, 1937

BONDS OF TWO AT TOTAL OF \$30,000

Suspect Is Held After Shooting Of Agent

Two Negroes were held under bonds aggregating \$30,000 Thursday by U. S. Commissioner Louise O. Charlton on charges of illicit distilling with which the shooting of C. S. Cogburn, Birmingham, Alcoholic Tax Unit agent, was connected by A. T. U. officials.

"The arrests grew out of a continuous investigation of distilling activities over a period of weeks," Oscar P. Romine, acting agent in charge of the unit, said. Cogburn was shot early Wednesday night, he said, on a raid resulting from these investigations.

Cogburn was reported "getting along nicely" at St. Vincent's Hospital Thursday night.

Willie James Caver, of Tarrant City, was held on \$10,000 bond in each of two cases. He was accused of possessing 400 gallons of mash and two 200-gallon stills east of New Georgia Wednesday night, and 1,000 gallons of mash, a 600-gallon still and two 200-gallon stills near Lewisburg April 10.

Genie Rumpf, of Route 7, Birmingham, was placed under \$10,000 bond in connection with the April 10 case. Both men waived preliminary hearings.

Norman Porchy Orr, Negro, of Route 7, Birmingham, is in Hillman Hospital under guard as a result of the exchange of shots between him and Cogburn, who was said to have shot the man after the agent had fallen.

Gadsden, Ala., Times
June 15, 1937

NEGROES LODGE COMPLAINT OF BEING BEATEN

Leaders Charge Police With Cruelty, Which Is Denied

Attorney W. M. Rayburn, representing a number of negro business and professional men, ap-

peared before the City Commission today to complain of alleged mistreatment of negro citizens by "new" members of the police department.

Mr. Rayburn said that a number of local leaders of the colored race were present to give specific cases in which negroes had been arrested and beaten without cause.

"They tell me that members of their race have been arrested and hauled off to jail without probable cause, that they have been beaten, that some of them have had their teeth knocked out and they are afraid to go to and from their work at night," Mr. Rayburn said, "and they even tell me that they sometimes stay all night in their lodge rooms because they are afraid to get out after 10 o'clock."

Mr. Rayburn appealed for fair play, declaring that if the things complained of are continued they might lead to a regrettable situation.

Chief O'Bannon said that it has long been the custom to arrest white and black men and women for loitering on the streets late at night. He said that such a policy had practically stopped burglaries and holdups.

"I don't believe any policeman would molest a work-ing man, white or black, who happened to be going home from his work late at night," the chief said. He declared he could make a thorough investigation of the complaint.

Chairman Vann and Commissioner Meighan asked that the complainants put the specific cases, with the evidence, in the hands of the Commission so that proper action may be taken.

Commissioner Burns said the police department does not play any favorites because of color.

"The greatest trouble we have with the negroes is among the craps shooters," Dr. Burns said, "and I want to remark that these people who are here to complain today never help us enforce the law. If we step on their toes they come hollering, but they never help us put down lawlessness or help us catch criminals."

NEGRO ENTERS HOME OF CITY PASTOR AGAIN

Vigilantes In Fountain Heights Prepare To Resume Patrol

VICTIMS FLEE HOUSE

Minister And Wife Jump

From Window To Elude

Night Marauder

The Fountain Heights vigilante committee prepared to "ride again" today after H. M. Gibbs and his wife were forced to leap from their bedroom window last night when the Northside prowler struck all loose.

Feeling ran high in the Fountain Heights neighborhood as the 60 vigilantes made ready to patrol the streets again to keep the night marauder away from their homes.

It was only six weeks ago that the Negro prowler entered the home of Rev. Gibbs, 1400 12th-av. n, and molested his wife while the minister was out of town.

Flee Through Window
Shortly after that the prowler struck again. This time his victim was a 17-year-old Fountain Heights girl.

The Gibbses escaped the prowler last night by breaking out the window screen, jumping out of the window and running to a neighbor's house for help.

It was Mr. Gibbs who first became aware that the intruder had entered their bedroom. He saw the glare of a flashlight on the floor.

When he stirred, the flashlight fell upon his face.

The flashlight was cut off for an instant and then the brazen intruder played the light on his face again.

For several minutes Rev. Gibbs stared into the light, but the intruder refused to budge.

Calls To Guest

Thoroughly alarmed by now, Rev. Gibbs called out for the Rev. W. B. Hope, of Columbiana, a guest who was sleeping upstairs.

Rev. Hope didn't hear him, but

Mrs. Gibbs was awake by now. She smashed the screen from the window.

"Don't go after him," she whispered to her husband. Then she leaped out of the window.

Rev. Gibbs followed her.

They ran to a neighbor's home and called police from there. When Officers S. J. Gentry and M. S. Davis got there, the intruder was gone.

Rev. Gibbs, who is pastor of the Fountain Heights Methodist Church, never got a glimpse of the intruder but police had little doubt from his operations that he was the Negro marauder they were after.

Vigilantes Aroused
After the prowler committed his second outrage against the 17-year-old girl, the Fountain Heights vigilante committee, created by Northside vigilantes to keep intruders out of the neighborhood, came into existence.

Up until a few days ago the vigilantes patrolled the streets every night and into the early hours of the morning, but their operations had ceased.

After what occurred last night the vigilantes will go back into action again and not desist until the prowler has been caught and their women folk are safe again. Leaders of the vigilantes said today Police have arrested numerous suspects, but have had to turn them all loose.

Cafe Robber Fired On By Proprietor

Ben Dunlap, of 1922 Steiner-av West End, fired two shots at a Negro he surprised in the act of robbing his cafe near his home last night. Mr. Dunlap believed that one of the shots may have taken effect. Nothing was missing in the cafe although the music machine had been tampered with. Officers W. P. Sims and W. R. Kirkland are investigating.

Frightened Burglar Jumps Out Of Window

Mrs. M. J. Seale, of 920 Sixth-pl. sw, thought it was her husband when she heard a noise in an adjoining room last night.

She went in to see him and much to her surprise she found herself face to face with a Negro burglar rifling her husband's pants.

It was much to his surprise, too, and he jumped out of a window, taking the pants, which contained \$1. with him.

Officers M. S. Kirkland and W. P. Sims today were looking for him—and the pants.

Convicts Building Penitentiary To Ease Crowded Conditions

By JOSEPH R. M'COY

Speigner Prison, to be built on as elaborate a scale as Kilby, is rising on the site of the old prison, destroyed by fire in 1932. The new structure is expected to relieve the State's present crowded prison conditions.

All buildings of the new prison will be of solid concrete, heavily reinforced with steel, as will the high wall that surrounds the prison enclosure. This enclosure will have a total area of approximately seven acres and will provide in addition to space for all necessary buildings, ample room for recreation and sports grounds.

There will be three cell-block structures besides the administration building at the main entrance, the cell-blocks each being two stories in height. In the rear of the cell blocks a one-story building will house a large dining hall and adjoining kitchens and laundries.

Though the water storage tank will be located inside the walls, the steam and electric powerhouse will be placed on the outside. This was done to prevent a repetition of a mass-break for liberty by a number of convicts during the past year, at Kilby Prison, after ring-leaders of the plot had bound and gagged the night engineer at the powerhouse there and pulled all of the electric switches controlling the current used at the penitentiary, plunging the entire reservation into darkness.

Foundations Near Finish

Foundations of the new Speigner Prison are now almost finished, and the entire plant is to be completed and ready for occupancy by June of next year. On a contract basis, the cost of the new penitentiary is estimated by President Cleon B. Rogers of the State Board of Administration, at between \$400,000 and \$500,000. Its actual cost to the State, with the use of convict labor and materials obtained from State-owned properties, will be about \$200,000, which amount will be expended on cement, steel, plumbing and other equipment, according to Mr. Rogers. Materials going into the construction that are furnished by the State include all gravel and sand used also all lumber for making concrete forms and for wood-work of all kinds.

Construction work throughout, will be under the direction of Mr. Rogers, and Hamp Draper, associate member of the Board of Administration and head of the State Convict Department.

At present some 150 to 200 convicts are employed in construction operations and getting out materials. Later as many as 500 will work on the project daily. Speigner now has a population of 922 prisoners, a majority of whom are worked in connection with operation of the State's cotton mills there. No prison factories or industries will be located within the walls of the new penitentiary. Operation of the cotton mills in their present loca-

tion will continue, prisoners employed there going to and from work through an especially constructed run-way. The heavily-guarded opening in the wall for this run-way that will be provided is shown at the left of the drawings.

Thousand Or More

Speigner Penitentiary will have facilities for comfortably taking care of from 1,000 to 1,200 convicts, substantially the same capacity as that of Kilby Prison.

Alabama's prison population, including penitentiaries and prison farms and road camps, was 6,195 on Oct. 1. Present facilities for caring for these convicts are congested. The new penitentiary will solve the problem this congestion now presents.

Wooden buildings, surrounded by a high wire stockade, that are in use as living quarters for convicts at Speigner have never, it is said, been practical or satisfactory, and their maintenance has proven expensive. It has been said of them that any man with a strong pocket knife can easily cut his way out to freedom. Only the employment of numerous and vigilant guards has kept the occurrence of escapes down to a minimum in recent years.

The new Speigner Penitentiary will occupy approximately the same site as the original prison that was razed by the 1932 fire.

NLRB Moves Goodyear Trial From Gadsden

Magic City May Be Site Of Hearing On CIO Accusation

ATLANTA, Oct. 12. — (AP) — The safety of Yelverton Cowherd, union attorney and regional C. I. O. director, was advanced today as a reason for transferring a National Labor Relations Board hearing involving practices of the Goodyear Tire and Rubber Company, of Alabama, from Gadsden, the concern's home city.

Cowherd was indicted by the Etowah (Gadsden) County Grand Jury Sept. 28 on a charge of attempting to bribe Troy Hgdon to kill Sheriff Bob Leath and three others, including Jimmy Karam, former Auburn football star. Cowherd's associate, D. Harry Markstein, of Birmingham, told Trial Examiner Walter Wilbur, at a special removal hearing in regional NLRB headquarters, that the indictment made it "practically impossible for the United Rubber Workers of America to be represented by its counsel in Gadsden any longer."

He suggested the hearing, now in its seventh week, be taken to Birmingham as a "neutral spot."

Goodyear attorney objects. Vigorous objections to injection of the indictment and to the removal came from opposing attorneys.

"Here we are met with another motion, another scheme of propaganda to poison the board against that community over there," said O. C. Hood, Goodyear attorney.

"It's just another proposition to throw the City of Gadsden into the light of being a bad and lawless community," W. M. Rayburn, attorney for the Etowah Rubber Workers' Association, added.

Rayburn's group, which claims 1,200 of the 1,600 workers in the Goodyear plant, is declared by the board's counsel to be dominated by the company.

CIO Unit Brought Charge. The URWA, which brought the complaint charging Goodyear with unfair labor practices, is an affiliate of the CIO.

Rayburn appealed to Wilbur to deny the petition on the basis of "justice and fair play."

"It is a case of one person feeling a little embarrassment rather than hundreds of witnesses being inconvenienced," Rayburn said.

"I told Cowherd—with whom I used to be associated in the American Legion—he had no reason to be uneasy, and he told me 'well, you come to Birmingham and we'll make it uneasy for you.'"

"Cowherd will have ample time to present his cause when the time comes. The same Grand Jury indicted three of my clients (members of the Etowah)."

Examiner Wilbur said an amendment will be necessary to the removal petition which was originally grounded on allegation "intimidation of witnesses" for the board and the union.

He then ordered a postponement of resumption of the hearing in Gadsden from Thursday until Monday, Oct. 18, to permit the proper papers to be filed and served on opposing counsel.

At that time, he said, he will announce whether the petition can be considered under board rules.

Markstein introduced an affidavit signed by Ted Morton charging Morton learned of a plan Sept. 27 to have Cowherd indicted in connection with the arrest of three union members on a charge of having dynamite in their car.

The affidavit said one of the trio, H. C. Adams, told Morton Cowherd "had not taken care of him" and he was going to "unload the dynamite case" on the attorney.

Negro Fires 3 Times At Troy Policeman

TROY, ALA., Nov. 27.—(Special)—Officer George Borom, captain of the Troy Police Department, narrowly escaped death Thursday at 2 a.m. when he attempted to surprise two negroes who were trying to break in the Whaley Pecan Company warehouse on Love Street.

Policeman Wilmer Furlow threw the flashlight at the negroes, and captured Cecil Stevens. The other negro, H. C. Cooper, shot at Borom three times and a slug from the negro's gun glanced from the wall of the building and a portion of it struck Captain Borom just above the eye, inflicting a minor flesh wound.

Cooper then surrendered and is said to have named two confederates who have been engaged in widespread stealing of pecans.

Crime - 1937

ROBBED TENANT FARMERS OF THEIR EARNINGS

Claim Arkansas Man Forged Names to Checks Due Farmers.

HOXIE, Ark., April 22.—(ANP)—Joe Richardson, white landowner near here, has been indicted by the Federal grand jury in the Eastern District of Arkansas, on charges that he forged the names of several of his tenant farmers to checks which were due these farmers under the production control program of AAA.

The indictment was returned on March 30 and involved AAA programs for 1934, 1935 and 1936. The case probably will come up for trial at the May term of court at Jonesboro.

The charges against Mr. Richardson were investigated by field officers of the AAA after complaints had been made by the tenants.

Hoxie is in Lawrence County, in Eastern Arkansas, and many colored share croppers and colored tenants live in this area.

Arkansas.

Crime - 1937

Delaware

Mediaeval "Whipping Post" Used Once More In Delaware

WILMINGTON, Del., Aug. 12—A Negro was the victim of Delaware's mediaeval whipping post last Sunday. Shackled, but dry-eyed, he only muttered twice as the cat-o'-nine-tails beat upon his back 40 times in succession.

It was James Trealer, convicted and sentenced to 10 years in prison as the "phantom bandit" that suffered the whip. He was charged with committing 16 robberies in Wilmington, and terrorizing the vicinity for four months.

Subsequent to Trealer's whipping, George Coleman, serving two months for theft, was lashed 10 times, and Elmer Harris, also up for larceny, got five blows across the shoulder.

Crime - 1937

D.C.

Police Brutality Brings Lack of Respect for Law in District, Says Dr. Brooks in Radio Broadcast

Record of 53 Killings Not Surpassed by Any Other City in U. S. Same Size

CONG. ASKED TO PROBE DRASTIC USE OF FORCE

Police Considered by Many to Be Bullies and

Intruders

Because of the attitude of the Metropolitan police during the last 10 years, many persons have reached the conclusion that the equity of the law in the District is a joke, said the Rev. Robert W. Brooks, pastor of the Lincoln Temple Congregational Church and vice chairman of the Race Relations Committee. Washington Federation of Churches, in a radio broadcast over Station WTSV, Saturday morning.

"Within the last six years, three more victims have been added to the 50 already killed by our police," said the Rev. Brooks. "All citizens who bring the number to 53. I desire to see Washington cleared white and 42 colored."

The subject of the address was Congressman Mary Norton, chairman of the District House Committee to report the Scott resolution out of the House Committee.

"This is a record, perhaps, that cannot be matched in any other city of its size in the world, especially when we consider that in many instances, this violence was absolutely unwarranted. This record, therefore, is too black to go unchallenged by decent and law-abiding citizens. Unfortunately, some impressions have already been made on the underprivileged groups, who suffer most at the hands of this kind of official tyranny."

"Many have absolutely no confidence in the wisdom of the integrity of the average policeman but believe him to be a representative of a group, who gives vent to all

of his brutal instincts, especially against those who are least able to protect themselves, and who think he takes delight in using his authority as an officer to satisfy his prejudice or bias.

"Many others also have reached the conclusion, because of the attitude of the police during the last 10 years, that the equity of the law in the District of Columbia is a joke, that whether they are guilty or innocent makes little difference with the police, who, too often, by their actions, set themselves up as judge and jury. Therefore, there is a growing feeling on the part of a large number, that they must protect themselves, against these assassins in uniform, who almost invariably, are allowed to go scot free regardless of the evidence against an officer who has openly violated the code."

"For many, the police officer is not considered a friend of society, but a protector of human rights, but Brooks, pastor of the Lincoln Temple Congregational Church and vice chairman of the Race Relations Committee, Washington Federation of Churches, in a radio broadcast over Station WTSV, Saturday morning.

"Congressman Byron Scott of California, has introduced a resolution, calling for an investigation of the use of excessive force by the police. All citizens who bring the number to 53. I desire to see Washington cleared white and 42 colored."

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ASK F.D.R. ACTION ON CAPITAL POLICE BRUTALITY

Consider New Agency 5-24-37 New York, N.Y.

WASHINGTON, May--(CNA)-- The issue of District of Columbia police brutality against Negroes will be taken for the first time direct to the White House.

The decision to appeal to President Roosevelt to personally intervene against the reign of terror to which Washington Negro citizens have been subjected for many years was reached at a public "trial" conducted by outstanding Negro leaders at the A. M. E. Zion Church here.

After hearing first-hand testimony of police murders and beatings during the past ten years, the "judges" reached the decision that the District Commissioners could not be relied upon to take action. They decided therefore to present the issue to the President and to press for passage of the Scott resolution (No. 77) for a Congressional investigation of the matter. Several hundred persons present concurred in the decision.

The climax of the proceedings was reached while John P. Davis, national secretary of the National Negro Congress, was testifying of his arrest for singing the Star Spangled Banner during the recent pants factory strike. Suddenly pointing to a white man in civilian clothes seated in the audience, Davis shouted:

"There is the man who arrested me - Officer Frodet of the Red Squad!"

The audience jumped to its feet, and turning to Frodet, booed and hissed him.

The "judges" who signed the "verdict" which is to be presented to President Roosevelt, included Major Campbell Johnson, secretary of the Y. M. C. A., Dean Lucy Slowe dean of women at Howard University., W. C. Houston, attorney., the Rev. R. W. Brooks, pastor of Lincoln Congregational Temple, and Professor Victor J. Tulane, of Howard University.

Brutality Enthroned

Washington Tribune
(with apologies to the animals)

Washington D.C.

A Study of Certain Aspects of Police

Methods in the District of Columbia

6-12-37

By Harland Glazier

(Editor's Note: This is the last installment of a reprint of a report on police brutality in the District sponsored by the Interracial Committee headed by Charles Edward Russell, white, which is working toward the passage of the resolution of Representative Byron Scott of California calling for the investigation of police brutality here.)

Officer Paul R. Pearson shot and killed George Adams while arresting him for stealing a bag of coal. Pearson maintained that Adams had slashed at him with a knife. No weapon of any sort was found on the person of Adams, who was shot five times. Mrs. Tyer, the aunt of Adams, said the dying man denied having any knife. The detective investigator said that Adams was unconscious after the shooting, a statement that was contradicted by the attending physician, as well as by Mrs. Tyer.

Officer F. S. Marshall, claiming that Clarence Miller was running away and that he "reached for his pocket," shot him fatally. Miller told the doctor he was not running, but was standing by the side of the car. No weapon was found on him. Officers Cooper and Helms, unable to find Robert Grooms in a rooming-house, searched all present and beat William Earles atrociously. They later accused Earles of carrying a concealed weapon. The man was acquitted by the jury—of course after he had been "massaged"—and nothing was done to his assailants.

Officers Southard and Chappel killed Robert Lewis, they claimed, in an empty house. A mixed group, denouncing this murder, offered to produce witnesses to swear that Southard had declared he would "get" Lewis, and also that the occupants of the house were ordered to vacate, presumably in order to make the "copper" story hold.

Fresh Revelations of Police Thugery

Still the procession of murderers

in uniform moves on with ghastly precision. On Sunday morning, February 14, 1937, George E. Harris was shot by Officer A. L. Embury, whose believe-it-or-not tale is that Harris and his companions were stripping a car, and fled when the police scoutcar entered the alley; as Harris was running away, he flashed a pistol, whereupon Officer Embury shot him in self-defense!

At the coroner's inquest it was shown that Harris was killed by a shot in the back of the head, fired at very close range, since the powder marks were visible. Furthermore, no blood was found on the white coat of the murdered man. The logical conclusion, therefore, is that Harris was lying prone on his face and that his assailant was on top of him. Ernest Williams, present with Harris, disclaimed knowledge that Harris intended to strip the automobile. It seems unnecessary to state that Officer Embury was exonerated.

Only March 18, Officer E. B. Howlin, found Preston Swan siphoning gasoline from an automobile and arrested him. On the way to the patrol box, the policeman declares, Swan struck him in the face. In the ensuing struggle, Swan was clubbed over the head and died soon after in the hospital, the forty-second Negro victim, during the period under consideration, of direct action by the Metropolitan Police Department—and another exonerated.

Are the policemen never punished for their misdeeds? Oh yes! Officer Cole was ordered dismissed for taking three packages of clothing (returns from larcenise), and Officer Maghan was fined \$50 for complicity in the matter. Property rights, it seems, are more sacred than human life and rights. Five officers were dismissed for atrocious third-degree beatings administered to four captives, one of them white. (Perhaps the latter constituted their mistake.) Officer Middleton paid a fine for slapping Mrs. Dorothy Wood (colored), on the testimony of Officer Sanderson and Clerk Redlick. Scandalous! As if a white officer didn't have a perfect right

to insult a colored woman.

The above presentation includes only a small number of the cases demanding attention. The situation is truly critical. Negro educators and religious leaders are wondering how long their people will tolerate such totally unjust conditions of discrimination, and are fearing retaliation by a devastating race war.

Thus far the District Attorney, the Police Officials themselves and the District Commissioners, although groups of citizens have appeared before them and have written protests, have failed to provide any release from the shambles into which the Metropolitan Police Department, acting apparently as a 'homicide squad,' has turned this city. Early in January of this year, representatives of some thirty organizations came before the District Commissioners and demanded protection from our blood-thirsty 'protectors.' After a long delay, the information was graciously extended that copies of the regulations have been posted where the officers may read them.

What Is to Be Done?

Congressman Scott has introduced a resolution for a thorough "investigation to determine whether and to what extent the use of unnecessary and unlawful killing of persons by police officers, have become a menace to life, liberty and the general security within the District of Columbia." Congressman Kopplemann has introduced a bill to establish civil rights for Negroes in this city.

Every reader of this [article] is urged to use all possible influence for the passage by Congress of these measures. Write to or call on Congressmen and get your friends here and in the various States to pursue a like course. The Scott Resolution now rests in the District Committee of the House of Representatives, of which Representative Mary Norton is chairman. Employ all possible means to impress upon her, as well as upon the similar committee in the Senate, the necessity of furnishing relief from conditions that are intolerable, especially as exhibited toward the colored citizens of this Capital of the Nation.

Crime - 1937

FLA. CONVICT MUST RETURN

MASS. SUPREME COURT SUS-
TAINS GOV. HURLEY'S DECISION TO LET SOUTHERN STATE
HAVE ITS FUGITIVE

Guardian
Forest Hill, escaped Florida Chain Gang fugitive was given a third hearing before Justice Dolan of the Supreme Court Friday, Dec. 10. Gov. Hurley had heard the two previous hearings and decided that Hill be sent back to Florida. Justice Dolan upheld that decision. Attorney Dorch for the defense said that he was of the opinion that everything possible had been done to assist Hill but that his case did not merit any more consideration. But the fact that he was a chain gang fugitive helped to further strengthen the fight to abolish the chain gang systems which fight has caused the institutions to take off the chains and humanize the system.

Post
Forest Hill was sentenced, after pleading guilty to a charge of assault and robbery in Duval County, Florida, June, 1934, to five years on each count. He escaped after serving eighteen days on the chain gang.

Gov. Hurley was fair and unbiased in the Hill case and Mr. Dorch would like to take this opportunity to acknowledge his appreciation to Gov. Hurley for the way he has handled all cases brought to his attention and to the white and colored people for their co-operation.

At the close of this term as president of the NAACP, Boston Branch, Attorney Dorch, due to present conditions in his home and business, will not hold any office and will discontinue other offices held at present. The association has increased in members and finance and continuing on the lines for which it was organized, Mr. Dorch feels that it will always render a public service to those who stand in need. To his successor, whoever he may be, Mr. Dorch stands ready to co-operate in any way as long as the association is run with the purposes and aims being upheld at all times.

Due to protest by the Association, the Commissioner has given his assurance of the Department that the homes of people will not be entered anymore unless the officer making the entry has an order from the court.

Mr. Dorch wishes to give special mention of courteous consideration given by the Police Department from the Commissioner down in all cases handled by the Association.

NEGRO GETS LIGHTER SENTENCE THAN WHITE MAN IN SAME CASE

MIAMI, Fla.—(By Richardson for ANP)—Stating that he was giving the Negro a lighter sentence because he had an opportunity to kill his victim and didn't, a judge here this week sentenced a white man to ten years and a Negro to eight as a result of the 'taking for a ride' of another white man. The victim of the 'ride' had been suspected of being a stool-pigeon, and was 'put on the spot' by members of a bootlegging ring. The Negro who was sentenced was one of the members of the ring.

The 'ride' victim was taken to a lonely spot, shot, and left for dead. The Negro was driver of the car that was used, and could have shot the victim, but refused to do so. It was this refusal that made the subsequent recovery of the victim possible.

West Palm Beach, Fla. Post
July 14, 1937

NEGROES ORGANIZE AGAINST PETTY CRIME

A very commendable effort is being made to organize negroes of Jefferson county against petty crime. The Rev. Geo. F. Owens, director, with headquarters in Tallahassee, has spoken in the colored churches of the county and plans to hold a special meeting for the purpose of organizing his people in an effort to reduce petty crime in this county. In this work he has the support of his own people and also of the white people.

WINS NEGRO ACQUITTAL IN WHITE AUTO DEATH

JACKSONVILLE, Fla.—(By Richardson for ANP)—Achieving what is believed to be the first legal victory of its type in the history of this state, D. W. Perkins, Jacksonville Att'y, last week cleared Foster Harris, of a charge of killing an aged white woman in an automobile accident caused by defective brakes on Harris' car. It is the first known instance where an outright acquittal has been obtained by a colored lawyer, and was made the more unusual by the fact that a few days previously one of the best known white lawyers defending a Negro in a murder case, drew a sentence of ten years for his client.

Young Negro Object Of Local Police Hunt

West Palm Beach police have a drag net out for Elmore Singleton, 17-year-old negro, who eluded two officers early Monday afternoon and got away with \$6.75 in cash, said to have been taken from the Standard Oil Station at Cranesnest Way and Dixie Highway.

Two shots from Officer Charles Coffey's revolver failed to stop the negro, who disappeared in the brush after Sergeant Jake Schwarz and Officer Coffey chased him for four blocks. They sped to the filling station in a police car in answer to a call to headquarters, and overtook Singleton at Belvedere Road. Leaving the car, they continued the chase on foot but the fleet-footed negro eluded them.

Charles B. May, manager of the station, said he was talking to Singleton and another negro youth when a woman fainted on the opposite side of the street. He ran to her assistance, leaving the office unguarded, May told the police. While returning he said he saw Singleton leaving the office. He caught his arm but the negro twisted out of his grasp and darted away, according to May.

A check of the cash drawer revealed that \$6.75 was missing, the manager said.

Singleton has been arrested several times on theft charges, according to police records.

Florida 'Gang' 'Horrors' Aired In Massachusetts

The motherly arms of the commonwealth of Massachusetts reached out again yesterday to a fugitive southern criminal from the 'horrors' of a chain gang.

And thus the New England state has apparently won herself another citizen.

Charges of "brutality" in a Florida chain gang, those voiced last week by Governor Charles F. Hurley as he refused to grant extradition James Cunningham, fugitive from a Fulton county gang, were aired again yesterday as an extradition request from Florida for Forrest Hill, 34-year-old negro, was heard by Assistant Attorney General James J. Bacigalupo.

Hill painted a verbal picture of horrors he was subjected to in a Florida "sweat box" and told the assistant attorney general that once he became ill while working on a road gang and guards chained him to a tree and denied him medical attention.

F. W. Wiggins, who represented Governor Fred P. Cone, of Florida, declared food fed Florida convicts on road gangs is "better than the average citizen of Florida enjoys."

"I have often wondered about this chain gang talk," Wiggins said, "but after listening to this convict's story I can understand why people of this state wonder about our prison system. I have never seen a man, white or black, treated in a manner to which this man testified he was treated."

Bacigalupo, the same attorney who heard the preliminary trial of Cunningham, continued the trial until today.

Hill, alias Mayo Collins, said he was a native of Bangor, Maine, and admitted escaping from a Florida road gang on July 4, 18 days after he was given a ten-year sentence for robbery. He was recently picked up on suspicion and fingerprinted by Boston officers. This led to his identification.

CIVILIZE THE SOUTH!

Chronicle 8-7-37

ANOTHER extradition case is before the Attorney-general's office and with it another expose of Southern barbarism. We sat for hours and listened to a brutal recital of Florida brutality. Forrest Hill (the fugitive in question) had only a month's schooling in his life, so it is no reflection on him when we say he is too illiterate to invent the story he told. It would take a clever man to concoct such a tale. The things recited by Hill seemed a bit far-fetched until we watched the countenance of L. W. Griffith, a fresh boy from Florida, as he barked questions at Hill. His eyes stared glassily, his lip curled into an ugly sneer and behind his youthful countenance we could see the cruel soul of a devil and we knew that he could kill Forest Hill if he could get him in his clutches again. He would slowly murder him with inhuman torture.

The two Florida officers, Griffith and Wiggins, proved a better brace of liars than the two who came out of Georgia. The trouble with the Florida ones was that they overdid their act. No, they had never heard of a chain gang and the convicts ilved just as nice as the free citizens of Florida. They even brought a hoary-headed man to sin away his soul. However, under Attorney Dorch's cross-examination, the old man finally admitted some of the brutalities. Afterwards, outside, he said "The lawyer was right, conditions down there are terrible."

Two salient points stand out in this case—the illegal and unconstitutional trial and conviction of Hill and the brutal and inhuman treatment meted out to him. Attorney Cardoza clearly showed Assistant Attorney-general Bacigalupo his legal precedents and powers in this matter and Attorney Dorch in a telling address proved that the expediency of the case demanded his consideration.

Mr. Bacigalupo cannot, in all fairness, refrain from a recommendation in this case and we fail to see how that can be other than to refuse to render Forrest Hill to Florida barbarism. We would remind the Assistant Attorney-general that the papers may be in proper legal form, but that counts for naught when a man has been illegally convicted and inhumanely punished. As Mr. Dorch pointedly told him, the blood of Forrest Hill will be on his hands if he delivers him to Florida, and we say the white flag of our Commonwealth will also be stained with the same blood.

We must civilize the South.

August 10, 1937

Negroes Organize To Prevent Crime

An organization to help reduce crime among negroes has opened state headquarters on West Gaines street here, Rev George F. Owens, director, said today.

First meeting of the group was held Sunday night, when the discussion centered around the theme "what can we negroes do to prevent crimes among our race?"

"The objective of this organization is to teach boys and girls how to shun trouble, and to build up a good reliable citizenship by eliminating cutting and shooting," Owens said.

He said the organization plans to take care of children while their parents are working during the day.

Ocala, Fla. Evening Star

September 14, 1937

Negro Organizing Race Against Crime Starts Work Here

A movement described by the organizer as "a drive to prevent crime among colored people" has been started in Ocala by the Rev. George F. Owens of Tallahassee who said today that on Sunday he would hold a big mass meeting at Mt. Moriah Baptist Church for colored and would discuss "what we negroes can do to prevent crimes among members of our race."

The meeting, he said, would be held at three o'clock in the afternoon, and he expected a big turnout. "We've always had a big crowd in other cities," said Owens, adding that "we usually have white speakers on the program, and make reservations in seats for our white friends."

The name of the organization, Owens declared, is the Crime Prevention Organization, or CPO, with headquarters in Tallahassee. Owens had a sheath of letters from everybody from the Department of Justice to Governor Fred P. Cone, and the city managers of various towns in Florida, generally approving the movement and allowing him to solicit aid of the general public in the form of contributions.

"The objective of this organization," he said, "is to teach boys and girls how to shun trouble, and to build up a good reliable citizenship by eliminating cutting and

MIAMI ARRESTS "VAGRANTS" TO COLLECT TRASH

New York, September 17 - A protest has been sent the mayor of Miami and Attorney General Homer S. Cummings over the recently inaugurated practice of the city of Miami of arresting Negroes wholesale as vagrants in order to furnish the city free prison labor for the collection of trash and garbage.

Press Service of the N. A. A. C. P.
A paragraph in the Miami Daily News stated that the city was having difficulty in securing enough labor to make the proper collection of trash and garbage and that the city budget did not permit the hiring of any more labor. The difficulty was solved, according to the Daily News, by having the police arrest Negroes for vagrancy. The courts then sentenced the Negroes to thirty days in jail and the prisoners immediately were taken out to work for the city. The city plans to keep up this supply of labor by arresting vagrants periodically so that when the jail sentence of one group runs out, a new group will be arrested.

The N. A. A. C. P. has asked the attorney general's office to investigate the Miami situation and see whether or not it is a violation of the federal peonage laws.

"One of the best things we negroes can do," said Rev. Owens, "is to kick another negro out when he commits a crime against the law and comes to us to house him. Another thing I'd like to see," he says, "is for us to get rid of this frequent congestion of negro people on Ocala streets and see them act like civilized persons instead of cows...that's the way they sometimes herd up...like cows."

Savannah, Ga. Press
March 4, 1937

YOUTH IN PRISON

Too many young Americans are going to jail. The bureau of the census in Washington reports that of the 65,723 prisoners received in state and federal prisons and reformatories during 1935, the highest ratio was for persons 30 years old, the number gradually declining in the high age groups. Concerning the ages of persons committed, the report said that out of the 65,723 national total, 13,618 were between 21 to 24 years old, 12,514 were 25 to 29 years old, 8,882 were 30 to 34 years old, the numbers gradually declining in about the same ratio for each age group until reaching the low of 517 for persons 65 years of age and over.

Of the total prisoners received, 56.6 per cent were committed under definite sentence, of whom 1,018 were sentenced to life imprisonment and 158 to death, and 43.4 per cent under indefinite sentences. By far the greatest majority of the prisoners received had been sentenced to short terms—42.3 per cent of the definite sentences for two years or less and 32.4 for either two or three years.

Out of the 65,723 commitments, 62,569 were male and 3,154 female. The greatest number of women were committed for "other sex offenses," numbering 570; for larceny except auto thefts, 454, and for homicide, 304.

The report showed that the ratio of prisoners received to population was over four times as high for negroes as for white males, and the ratio for negro females five times higher than that for white females.

The feature of this report that concerns us most is the high percentage of young people involved. While these figures are for 1935, they are probably the latest available from this government source. We fear conditions have not improved in more recent years. Indeed, we would not be surprised to hear of an increased ratio of young offenders.

The youth of this generation is indeed a problem. The youngster should not be blamed too much for their indiscretions. Much of their lawlessness is brought on through idleness and most of those who are idle are not so from choice. Work cannot be found.

Dangerous Laws

Oregon has just repealed its so-called "criminal syndicalism" law under which her courts proposed to send Dirk de Jonge to jail for seven years. Other states—California, Pennsylvania, Illinois, Washington, Idaho, Indiana and Ohio—that were stampeded by the post-war hysteria into passing such laws are considering repeal also.

They would do well to wipe these laws from their statutes. Were such laws right in themselves, which they are not, their presence on the books is an invitation to overzealous and patrolling law officers to abuse them. The de Jonge case points the danger. Convicted in the Oregon courts of "criminal syndicalism" for no other offense than speaking at an orderly Communist meeting in protest against illegal police raids and the shooting of striking longshoremen, de Jonge would have been martyred but for reversal of his conviction by the U. S. Supreme Court.

In its opinion the Supreme Court did not hold the Oregon law unconstitutional, but it freed de Jonge and warned Oregon that it could not use that law to prohibit the rights of free speech and assembly.

"The greater the importance of safeguarding the community from incitements to the overthrow of our institutions by force and violence," said Chief Justice Hughes, "the more imperative is the need to preserve inviolate the constitutional rights of free speech, free press and free assembly, to the end that government may be responsive to the will of the people and that changes, if desired, may be obtained by peaceful means. Therein lies the security of the Republic, the very foundation of constitutional government."

Pensacola, Fla. News
October 8, 1937

Slap At Wave Of Crime Over South

(By The Associated Press)

ATLANTA, Oct. 8.—The commission of interracial cooperation voted today to "exert all possible influence to put a stop to the wave of violations of civil liberties now current in the South..."

The commission, at its annual session here, elected Dr. Howard W. Odum of the University of North Carolina as president.

CRIME AND PAROLE

A comparison of our penal system today and that of a century ago would show many improvements in the method of administering punishment to persons convicted of crime. At the same time the fundamental methods of punishment are imbedded in our common law, and in many respects they have remained unchanged.

The scientific application of parole and probation on a widespread scale is a comparatively new development in the field of penology. In the last decade the system of caring for prisoners and the cost of crime. The majority of the criminals who have attracted nation-wide attention for their depredations against life and property have been the beneficiaries of parole. J. Edgar Hoover, chief of the Federal Bureau of Identification, recently declared that every Federal agent who had been killed in line of service had died in the hands of a paroled convict.

The result of these sensational cases has been that the public has questioned the merit of the parole system as a whole, rather than scrutinizing individual examples with a view to correcting abuses. An enlightened civilization cannot toss aside the parole system; it can bend its efforts toward perfecting that system. The regional conference of parole experts now being held in Montgomery with representatives of seven Southeastern States participating is directed at the improvement of parole and probation practices.

As The Advertiser sees the problem it is two-fold: First, is the application of scientific methods in the administration of paroles. Specialists in this field have already accumulated a wealth of exact knowledge on the subject, and they will continue to learn more. The sociologist and the psychologist are concentrating on finding the proper techniques of punishing those who commit crimes against society, and of re-adjusting such persons to normal life once they have been punished.

We no longer hold to the idea that prison sentence constitutes a mere period of isolation after which the individual is again cast loose on society. We are committed to a policy of improving the individual if possible rather than exposing him to a post-graduate course in crime. We are also committed to a policy of returning the individual to a normal state as quickly as possible after he has paid the penalty, thus making it possible for him to contribute to society rather than being a burden.

This approach makes it necessary to deal with those who have committed offenses with those who have committed offenses inflexible regulations and laws. The supervision of individuals costs money, but the cost of parole and probation supervision is negligible in comparison to the cost of caring for prisoners and the cost of crime.

The second problem that has arisen in connection with parole is that of abuse. No method can be successful if political interference, favoritism or bribery is condoned. The criminologist, the psychologist and the sociologist are powerless, or virtually so, to combat such influences. That is the responsibility of the public. There have been numerous suggestions designed to increase the effectiveness of public opinion as a weapon to prevent parole abuses. They all boil down to the necessity of an alert public opinion. The public can put a stop to parole abuse just as it can put a stop to corruption and inefficiency in government—if the public will but take the proper interest.

Numerous official delegates, along with more than 100 State and County officers and interested citizens, heard Arien McMahon, assistant U. S. Attorney General and others, call for public cooperation in bringing about needed reforms. Gov. Graves, who preceded McMahon, declared that the "average convict will respond to humane treatment as quickly as the average man or woman."

Parole Experts Convene Here From 7 States

Advertiser
Assistant U. S. Attorney General Urges United Attack Upon Problem

Sociologists and officials of parole systems from seven States opened the Southeastern Parole Conference here last night a contribution to a national program of reform in criminal procedure and convict release methods. Bruce Airey, chairman of the Alabama Parole Board, said. Numerous official delegates, along with more than 100 State and County officers and interested citizens, heard Arien McMahon, assistant U. S. Attorney General and others, call for public cooperation in bringing about needed reforms. Gov. Graves, who preceded McMahon, declared that the "average convict will respond to humane treatment as quickly as the average man or woman."

Christmas parole system he inaugurating, introducing McMahon, de- "a- necessary function of criminal ad- recommended coordina- of the various law enforcement problems, who enter our penal institutions will go out from our institutions will return to society at the termination of their sentences even if no parole yet reached a point where we may expect perfect results from our re- "habilitative work."

For the protection of society, if conceding that heinous crimes are sometimes committed by paroled convicts, McMahon continued: "To the general public, they illustrate the futility and danger of the

Dangerous Laws

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Mahon recommended coordination of the various law enforcement agencies in solving parole problems. He said, "Preparation of the committee to receive the parolee is as important a part of the process as is the preparation of the parolee himself for release." "For the time comes when the authorities no longer hold a prisoner," he said. "We should bear in mind that more than 95 per cent of those released must be controlled and re-

Christmas vacation, he said, they agreed to their agreement and strict enforcement. The president provided integrity during his time as the governor himself. He made a plea of "A" and denies. ties c. Davis, Bir- he said that n

Crime Over South

(By The Associated Press)
ATLANTA, Oct. 8.—The commi-

to "exert all possible influence to put a stop to the wave of passions of civil liberties now current in the South . . ."

The commission, at its annual session here, elected Dr. Howard W. Odum of the University of North Carolina as president.

CRIME AND PAKULE

A comparison of our penal system today possible after he has paid the penalty and that of a century ago would show thus making it possible for him to contribute to society rather than being a burdening punishment to persons con-den.

The second problem that has been identified in the current parole and probation system is the lack of a widespread scale for measuring the cost of parole and probation supervision. In the last decade the system of caring for prisoners and the cost of parole has resulted in many unfortunate experiences.

The majority of the criminals who have connection with parole is that of abuse. The second problem that has arisen in the past is that of the untrained nation-wide attention for their N. method can be successful if political considerations against life and property have interference, favoritism or bribery is common the beneficiaries of parole. J. Ed-doned. The criminologist, the psychologist Hoover, chief of the Federal Bureau of and the sociologist are powerless, or vir-
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Parole Experts

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parole system. The public is naturally alarmed, and rightly so, when cases of this kind occur.

"We are not here to condone or to attempt to excuse the parole of characters of this type; we are here to examine the problem from every angle. Through conferences of this type we will discover the truth about parole as it is today, its faults and its virtues, and in this way put forth greater efforts to the end that the parole system may be made a better and more efficient procedure.

"We have come to realize that any attack on the fundamental problems of crime must involve a positive fight for human betterment."

McMahon recommended a full-time, salaried board of parole, "composed of duly qualified persons" be established in the various states to handle paroles and the rehabilitation of convicts.

Missing Men

Too often politics not Law decides whether a Governor extradites a man wanted for trial in another State. Last week Law asserted its rights in two distant States. In California Attorney General Ulysses Sigel Wood ruled Governor Frank F. Merriam had no option, must surrender La Verne Moore, failed super-golfing mystery man known for seven years as John Montague, to New York State to stand trial for alleged participation in a roadhouse robbery in 1930. This despite appeals for Montague by Bing Crosby, Guy Kibbee, George Von Elm, et al. Promptly John Montague's attorneys flew their appeals East, asked New York's Governor Herbert H. Lehman to cancel the request for extradition.

In Georgia, Governor Eurith Dickinson Rivers dug out a "full faith and credit" Federal statute which he hopes requires other States to return Georgia's duly requisitioned criminals. To Massachusetts' Governor Charles Francis Hurley Governor Rivers wrote again to recapture escaped Negro James Cunningham whose extradition was recently refused because of a "sense of humanity." Fed up with such melodramatic refusals of extradition as that by New Jersey's Governor A. Harry Moore in 1932 in the case of Robert Elliott Moore (*I am a Fugitive from a Georgia Chain Gang*), Georgia prepared for a legal round-up. "We are going after any others the other States may be holding from us," vowed Governor Eurith Dickinson Rivers.

William Pickens

SAYS



O.A.N.P.

Police Lawlessness

The police authorities are too often lawless and criminal in Dixie where they have learned to disrespect personality and disregard the rights of Negroes. And what is practiced on Negroes will be performed on white people in this color-mad country. Let us see how white "radicals" are treated in Texas, and in one of the most civilized cities of Texas.

The American Civil Liberties union reports that in San Antonio, one of the best cities in Texas for Negroes, a meeting of the "Workers' Alliance" was in progress and peaceable in their own headquarters, when the San Antonio police decided to raid the place. Police have always been accorded the right to raid, but it ought to be under authority of some court, after reasonable cause or well-founded suspicion has been alleged. But listen to this: 10-9-37

"The police, without search warrant, without any warrants of arrest and without any authority of law violently invaded peaceful and lawful headquarters of Workers' Alliance while a peaceful and lawful meeting was going on. The police beat those who did not move rapidly enough to suit them and drove the entire congregation out of the premises, striking and bruising many of those present. Afterwards, they began a systematic destruction of the headquarters, smashing typewriter, duplicating machine, lights, piano, and other furniture. After completing these acts of sheer vandalism, the police continued to beat innocent and

helpless bystanders outside of the premises."

If that is the sort of treatment given white people in Texas, what sort of treatment do colored people expect in Mississippi? It is hard to make the ordinary policeman realize that he is given a club and a gun, not to assault people but to defend himself and other citizens who are being assaulted; and that his right to arrest a person does not carry with it any right to assault that person; in short that it is no business of his to punish people, even for their crimes, but to apprehend them.

But when police officers act in this brutal fashion, it is my guess that they have had an understanding with their "higher-ups" first and have been directed so to act. Whether that guess is correct or not, the higher-ups are to blame, are responsible. If there is a remedy, it must be applied higher up. Of course, any police officer who commits wilful assault should be arrested and prosecuted like any other criminal. But that calls for close organization and cooperation on the part of the people, especially if those people be black, and in the U. S. A.

Reading of an actual case of police beastliness like that in San Antonio, we are tempted to agree with the American Civil Liberties union's deduction that the killings of strikers in strike disorders were due more to the lawlessness of the police than to the lawlessness of the victims. We know we cannot run this country without police, but why on earth do we not select them with more care? Why select judges on their educational and moral fitness and select police officers on their superior brute qualities? Such acts of official violence make enemies for the police and enmity for authority.

Murder In The South

It's sorry news that the Alabama homicide rate before 1936 was 23 per 100,000 population, although we are privileged to salvage what solace we may out of the knowledge that at least two States, our neighboring Mississippi and Florida, were even worse off than we. Equally discouraging is the revelation that the 1936 figure is the highest on record for this State except for 1933 and 1934.

During 1936, there were 654 homicides in this State as compared with 623 in 1935, according to the report by the Bureau of Vital Statistics of the State Health Department—although we cannot imagine how murder figures managed to ingratiate themselves with a health department. Of the 1936 total, 185 homicides were of white persons and 469 were of Negroes—leaving the white race for last year at 10.1 per 100,000 and the negro rate at 46.4. This indicates that those of a darker hue are more than four times as proficient as their Caucasian brethren in the use of the knife, the gun or the belying pin.

In view of these figures from Alabama, Florida and Mississippi, it is hardly necessary to add that the South still outranks all other sections of the

country in homicides—this being particularly true of Tennessee, Georgia and Louisiana as well as the aforementioned trio. These six States occupied the first places in a table based upon homicide rates for last year, although we have a suspicion that Tennessee, with its heavy white population in the East, would not have had the distinction of being listed were not Memphis with its abundance of Negroes and violent deaths included in the figures.

Even so, we cannot excuse this condition by the simple explanation that the homicide rate among Negroes causes the figures to run up, and that without the negro we might have a record as clean as that of bloody Chicago or hell-roaring New York. If we mistake not, the laws against murder—both the laws of God and man—were designed without regard to color, and there is no reason why they should not be enforced with the same diligence. We need not be told, either, that they are being enforced with equal vigor for both races. We have seen too many cases where murders which involved negroes alone have been lightly dismissed by police and the prosecutors, while murder cases involving whites alone or both Negroes and whites have been pushed to the full extent of the law. When the law is properly enforced, the Negro has a respect for it equal to that of his white neighbor—and that goes for murder as well as for gaming on Sunday.—Tuscaloosa News.

Crime - 1937

Georgia

END OF CHAIN GANG SLATED IN GEORGIA

Expert Report Compiled at the
Governor's Request Will Go
to State Extra Session

OUTLINES MODEL SYSTEM

New Prison Built by PWA Will
Be Hub for Elaborate Re-
organization Plans

REHABILITATION STRESSED

Vocational Training, Better
Medical Care and Improved
Parole Methods in View

Special to THE NEW YORK TIMES.
WASHINGTON, Nov. 20.—Rec-
ommendations which would end the
Georgia chain gang and place the
penal system of that State among
the most progressive in the country
are contained in a report on the
prison labor problem in Georgia
made public today by Dr. Louis N.
Robinson, chairman of the Prison
Industries Reorganization Board.

The study was undertaken at the
invitation of Governor Rivers of
Georgia and was prepared with the
cooperation of prison officials and
the Joint Committee of the General
Assembly on Prisons of Georgia.
The State, through its collaboration
with the board, has already out-
lined a program which will include
many if not all of the recommenda-
tions.

The report calls for establishment
of certain State-use prison indus-
tries to aid in the rehabilitation of
prisoners, careful classification of
inmates, development of modern
State-operated road camps, better
housing and medical care, voca-
tional training and improved meth-
ods of commitment and release.

Major Recommendations

Specific recommendations are:

(1) That a new central peni-
tentiary board be established with power to
coordinate the various activities
within the penal system.

(2) That the present prison com-
mission be retained as a parole
board to pass on all cases in which
prisoners are released before ex-
piration of their maximum sen-
tences.

(3) That the present probation
and parole laws be revised and
strengthened and provision made
for a modern system of probation
and parole work with a full-time
staff chosen on a merit basis.

(4) That all prisoners be under
State control and not distributed in
county camps throughout the State.
(5) That the new penitentiary at
Reidsville, the camps, the farms
and the tubercular hospital receive
specific types of prisoners after
classifications.

(6) That a receiving and classifi-
cation unit be established at Reids-
ville for all felons.

(7) That a vocational and educa-
tional training program be initiated.

(8) That State-use industries be
developed at Reidsville and financed
by an adequate revolving fund.

(9) That a new women's institu-
tion of the cottage-type be con-
structed for all women committed
in the State, regardless of length of
sentence.

The report declared that the de-
termination of the State to reform
its penal system was shown by a
call for a special session of the Gen-
eral Assembly this month to deal
with penal reorganization along
with other pressing questions.

Cites Ending of Lease System

"In 1908," it said, "the people of
Georgia insisted upon abolishing the
notorious system of leasing prison-
ers to private contractors, although
this move involved the loss of over
a million dollars a year from the
State, through its collaboration in-
come from the leases. Today
Georgia again is moving to keep
abreast of modern trends in prison
methods and a new deal is in sight
for the four thousand felons and
three thousand or more misde-
meaners in the Georgia camp."

The survey shows that, pending
full use of the recently erected peni-
tentiary at Reidsville, most of the
prisoners are distributed through-
out the State to various road camps,
without effective centralized con-
trol. With few exceptions the pri-
soners remaining at the State Farm

at Milledgeville are idle. Hospital
facilities either do not exist or are
very meager, and there is no con-
tinuous attempt to examine and
classify prisoners for penal treat-

ment. The report analyzes "the weak-
ness" of the present probation and
parole systems "which do not facili-
tate as they might the rehabilita-
tion of many offenders who could
be returned to society as useful citi-
zens, and do permit in some cases
the release of prisoners who should
be retained."

The first step toward the reorgan-
ization of the Georgia penal system

was taken when the Reidsville insti-
tution was built for the State by the
Public Works Administration. With
this institution as the hub of the
system, the board undertook its
study looking to improvements in
the system.

Prisoner Statistics

In discussing the Georgia prison
problem from the standpoint of the
prison population, the report said:

"On Dec. 31, 1936, there were con-
fined in the State institutions and
county and highway department
road camps 4,653 felony prisoners
and 3,130 misdemeanants. This
total criminal population of 7,783 is
larger than the entire citizen popu-
lation of prominent towns such as
Milledgeville and Dublin, yet it does
not include those held in city or
county jails. It represents 254 pris-
oners for each 100,000 persons in
the State on July 1, 1936.

"Data are not available for com-
paring Georgia with other States at
the end of 1936, but a comparison
of felony prisoners present on Dec.
31, 1934, shows that only six States
and the District of Columbia had
more felony prisoners in proportion
to population.

"The felony population of the
State is growing. On April 1, 1879,
at the inauguration of the lease
system, Georgia had 120 white men,
1,078 Negro men, 1 white woman
and 31 Negro women as State pris-
oners. The prison population on
Dec. 31, 1936, consisted of 1,088
white men, 3,349 Negro men, 19
white women and 197 Negro women.
This growth has been irregular,
and was especially marked from
1926 to 1934. From Jan. 1, 1920, to
Jan. 1, 1936, the State's population
increased 5.3 per cent, while the
prison population increased 51.3 per
cent between Dec. 31, 1920, and
Dec. 31, 1936. The present trend
seems to indicate that the total
penal population will remain at a
high level and may well be expected
to increase.

"In 1879, Negroes made up 90 per
cent of the felony population, but
in 1898 the proportion began to de-

crease gradually, and in recent
years the percentage of Negroes has
been about 75. The number of
Negro women has lately shown a
tendency to increase more rapidly
than the number of Negro men."

Will Wright Supreme Court Decision In Nutshell

11-13-37
Mandamus absolute granted.
November 11, 1937.
Frank A. Bowers, for plaintiff.
John A. Boykin, solicitor-general
J. W. LeCraw. E. A. Stephens
for defendant.

1991. Wright vs Davis, judge.
Original petition for mandamus; in
case from Fulton.
Bell, J. 1. It appearing from the
extraordinary motion for a new
trial, as amended, that the name
of one of the persons who served
as a member of the jury which con-
victed the accused was not in the
jury-box that such person obtain-
ed his place on the jury by fraudu-
lently impersonating another, that
before the trial this "juror" had
twice been convicted of the offense
of larceny of an automobile, and
had served sentences under such
convictions, that neither the mov-
ant nor any of his attorneys had
knowledge of these facts until af-
ter the movant's conviction and the
affirmance of the judgment over-
ruling the movant's original mo-
tion for a new trial, that they could
not have discovered the facts ear-
lier by the exercise of reasonable
diligence, and that on discovering
the same they acted promptly in
presenting the extraordinary mo-
tion for a new trial together with
the amendment thereto, and the
motion as amended being otherwise
in proper form, the facts alleged
therein, as stated above, were such
as to require grant of a new
trial, in the absence of any show-
ing to the contrary.

2. This being a proceeding for
the writ of mandamus to compel
a judge to certify a bill of excep-
tions assigning error on his refusal
to permit an extraordinary motion
for a new trial and an amendment
thereto to be filed, and on his re-
fusal to grant the movant a new
trial as prayed, and, after issu-
ance of a mandamus nisi, the pe-
tition for the writ and the response
as filed by the judge showing the
facts stated in the preceding note,
this court will order that the man-
damus be made absolute, requiring
the judge to certify the bill of ex-
ceptions as tendered.

Crime - 1937

Georgia

Crime At New 'Low' Saturday; None Slain

Heavily covered

"Certainly this isn't Saturday night, not with nobody coming to Grady all butchered up."

That was the remark of a student nurse at Grady Hospital who by chance was passing through the colored clinic last night at 10:30 o'clock. **3-28-37**

It was unusually quiet there. Between the house of 7:30 and 11. doctors and nurses on duty in the emergency clinic had practically nothing to do. There were enough attaches in this department however, to have administered aid to a score of wounded and injured folk.

"Guess the folks spent all their money buying things for Easter," one orderly said.

The clinic on Saturday nights is usually a scene of blood. Ambulances and private cars speed into the drive at all hours between sunset and daybreak, loaded down with victims of brutal affrays.

At the police station, officials reported a quiet night.

PRISON RENOVATION AT ATLANTA FARM IS SOUGHT BY LYLE

Committee Chairman Condemns Lack of Decent Facilities for Prisoners.

Constitution at Atlanta
Councilman George B. Lyle,

chairman of council's prison committee, yesterday launched a move to obtain \$12,500 for a war on disease at the city prison farm, asserting that sum is necessary if prisoners are to be protected from social and other diseases and are to be provided with proper sanitary and living conditions.

This week work will be launched on a new white women's wing which will be constructed adjoining the white men's wing. By using cobblestones gathered from Atlanta streets when more modern paving replaced it, and prison labor, Lyle said cost of that project will be only about \$2,500.

Raymond W. Torras, engineer-secretary of the city planning commission, has prepared drawings for the projected development, which contemplates concentration of all prisoners who have been sentenced by the recorder's courts at the farm. Hilliard street prison for negro men will be abandoned under the program, and modern new quarters constructed in the rear of the white men's quarters. If the Lyle program is prosecuted to completion, a negro women's ward will adjoin the administrative offices and extend northward in fan shape behind the white women's ward. It also contemplates construction of the laundry, kitchen and other necessary adjuncts behind the north end of the administration office.

"Serious Business."

Lyle yesterday pointed out that the care of prisoners by the city is a "serious business."

"We are overcrowded," he said. "We violate the state law every day in housing too many prisoners in our cramped quarters. These people are not felons and, even if they were, they should not be subjected to what they are exposed to in our farm camp."

"They have committed only minor offenses for the most part. Sometimes we have members of good families there. We should be able to segregate the diseased from the healthy, but we cannot do that at the present. We make every effort possible, and are doing a good job with what we have to do it with."

"The time has come when we must quit arresting people or we must provide healthy and sanitary living conditions under which to retain them. The white men's ward was constructed to house 90 men, but conditions became so bad we were forced to order jailers to send us no more than 175. When we reach that number we quit receiving at the farm and keep them in the newly erected city jail."

Failure of City.

"That condition should not be allowed to continue and we must move to eliminate it. A man should not have to spend 30 days cooped up in jail for a minor offense just because the city fails

to provide a decent place for him to live.

"The white women's ward is even worse. The ward was built for 23 women, but our population in this respect has increased. Beds are so closely placed there is scarcely room to walk between them, and in some instances two women must occupy a 3-4 bed."

"It will take about \$12,500 to remedy this entire situation and to provide ample, modern facilities for segregation of diseased prisoners. The city already has put up \$2,500 of that sum and we are now ready to correct the white women's quarters."

"We should abandon the Hilliard street negro men's prison and we should reconstruct the entire set-up at the farm along the lines suggested by Mr. Torras and others who know what a modern prison farm should be."

Three Meals for 12 Cents.

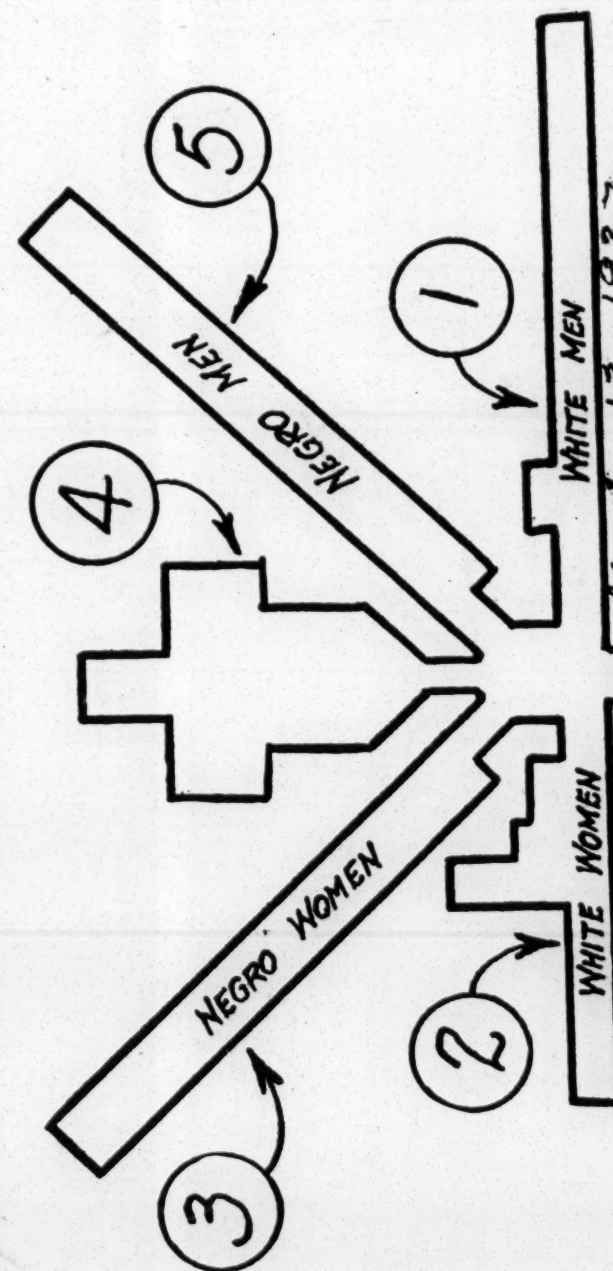
"Just to give an idea of what we are contending with, we serve between 700 and 800 meals a day to prisoners. When we cook beans, we use 30 bushels for one meal. The cost of feeding a prisoner has been reduced to a minimum. Our costs are about 12 cents a day and that includes three meals."

"We are able to do this by raising our own food on the 244-acre farm. We work our prisoners on the farm, on streets and doing other necessary city work. All our produce and meat is raised. We make prison undergarments and work clothes, run our own laundry and half-sole our own shoes. If we didn't we could not afford to keep prisoners at all. We have 12 mules and a tractor. We keep an average of 300 hogs all the time. We produce about 3,500 gallons of sorghum a year."

"Entire costs of the farm are about \$30,000 a year. We have 21 employees. The clothing bill was \$5,314.18 for last year, with shoes the largest item in that account, reaching a total of \$2,098.40. Pants was second, costing \$1,133.50."

"Our entire committee is interested in this matter. We must modernize and provide adequate facilities at the farm. We know city finances are at a low ebb, but we also know it is the humane thing to make reasonable provisions for those persons we have incarcerated and for whom we have a direct responsibility."

Outlined Plan for Proposed New City Prison Farm



Projected improvement of the City Prison Farm shown in the above drawing by Raymond W. Torras, engineer-secretary of the city planning commission. No. 1 shows the white men's ward, which already exists; No. 2, the white women's ward which will be begun shortly; No. 3, the negro men's ward, which it is proposed to add; No. 5, the negro men's ward, which on completion, will enable the city to abandon Hilliard Street prison; No. 4 will be the laundry, kitchen and necessary administrative offices. Cost of the entire project is estimated at \$12,500.

'Low' Saturday;

None Slain

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The clinic on Saturday nights is usually a scene of blood. Ambulances and private cars speed into the drive at all hours between sunset and daybreak, loaded down with victims of brutal affairs. At the police station, officials reported a quiet night.

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Constitution at liberty
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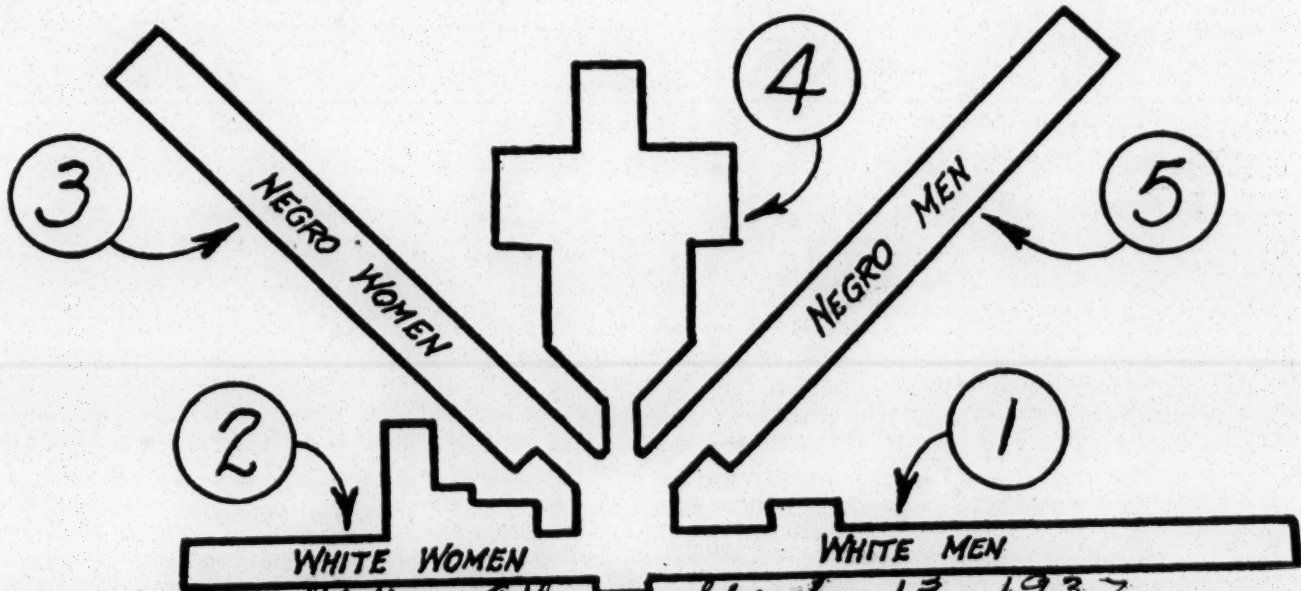
"We should abandon the entire street negro men's prison and we should reconstruct the entire settlement set up at the farm along the line suggested by Mr. Torres and others who know what a modern prison farm should be.

"We are overcrowded," he said. "We violate the state law every day in housing too many prisoners in our cramped quarters. These people are not felons and, even if they were, they should not be subjected to what they are exposed to in our farm camp.

The inmates come when we must quit arresting people or we must provide healthy and sanitary living conditions under which to detain them. The white men's ward was constructed to house 60 men, but conditions became so bad we were forced to order jail-city to send us no more than 175. When we reach that number we quit receiving at the farm and keep them in the newly erected city jail.

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WEEK END CRIME LISTS CUTTINGS AND SHOOTINGS

6-20-37
Saturday morning began the usual week-end flare-up in crime with several minor cuttings and two shootings being recorded by police.

Shot in the left side with a .32-calibre Spanish pistol, Lizzie Wright, 23, of 537 West Fair Street, was treated at Grady clinic and later operated on in the hospital. Officers reported that the shooting occurred around 10:30 Saturday morning at 506 Dover Street. They arrested Flora Mae Gaines, occupant of the house at which the shooting took place after witnesses said she wielded the weapon. The Gaines woman claimed that Lizzie came to her house and was "clowning around" when she took shots at her.

John Scarborough, 21, of 99 Maple Street, was treated and dismissed at Grady clinic suffering with a gunshot wound of the back. He was taken into custody later, however, along with Dock Whitman alleged to have shot him. Officers were baffled as to who started the reported fracas as both Scarborough and Whitman accused each other of starting the argument which led to the shooting. Whitman is charged with "suspicion of shooting another, while the other arrested man is being investigated generally."

Addie Dorsey, of 299 Glenn St., S. W., told detectives that her husband stabbed her at home Saturday morning "for no reason at all". The stab wound was not serious, it was said.

Venue Change Granted Accused Georgia Negro

6-2-37
ATLANTA, June 1.—(P)—The Georgia Court of Appeals today ordered a change of venue for George Mitchell, Clayton County negro who was taken from home and beaten by white men after the court once before had granted him a new trial on an "assault with intent to murder" charge.

The Clayton County superior court's refusal to grant a removal of the case to another county was reversed by the higher court which said:

"When the decision for a new trial was published (in September, 1936) there were threats of violence against the defendant and he was taken from his home at night and severely and

painfully beaten."
Mitchell was convicted of an attack on Grady Woodward, a white man, in May, 1934.

NEGRO IS GRANTED CHANGE OF VENUE ON DUBLIN STREET

Threat Against Supreme Court Jurist Revealed by Appeals Body.

The court of appeals yesterday ordered a change of venue for a Clayton county negro who was taken from his home and beaten by a group of white men after the appeals court once before had granted him a new trial. In ordering the new trial and a change of venue the court of appeals reversed Judge J. B. Davis, of the Clayton superior court.

The negro is George Mitchell, a former employe of Associate Justice John B. Hutcheson, of the supreme court, who lives at Jonesboro. Justice Hutcheson was one of the residents of Clayton county who made an affidavit that Mitchell was beaten after his first trial. The negro is accused of assault with intent to murder a white man, Grady Woodward.

In its ruling yesterday the high court said:

"When the decision for a new trial was published (in September, 1936) there were threats of violence against the defendant and he was taken from his home at night and severely and painfully beaten."

A statement from the prisoner used in connection with the appeal for a change of venue said that "three automobile loads" of white men beat him up and charged that one of the men told the negro: "Don't call on the Lord. Call on that gray-headed man you are working for. He is the only one who could help you now and if he talks too much about it we will do him the same way."

ROCKLEDGE YOUTHS WOUNDED BY NEGRO CHANGE OF VENUE ON DUBLIN STREET

Unidentified Assailant Escapes After Shooting on Crowded Street

DUBLIN, Ga., July 10.—Police and deputy sheriffs tonight were searching for an unidentified negro who earlier shot down two white youths on a crowded business street.

The wounded men, A. J. Page and Lyman Smith, of Rockledge, were taken to the Claxton hospital here, where attaches said Page was in a critical condition. He had been shot three times in the back, officers here said. Smith was shot twice, also in the back.

Deputy Sheriff D. B. Wilkes said the youths, both of whom are 17 or 18 years old, had told him they did not know the negro. Wilkes said he had been told that two men bumped into the negro, that a few words were passed and the negro pulled a gun, shot five times and escaped on foot down an alley.

The shooting occurred in front of a crowded five-and-ten-cent store.

PRIVATE HEARING GRANTED NEGRO GROUP

BOSTON, July 21.—(P)—Governor Charles F. Hurley today granted a private hearing to representatives of the National Association for the Advancement of Colored People who have urged rejection of Georgia's request for extradition of James Cunningham.

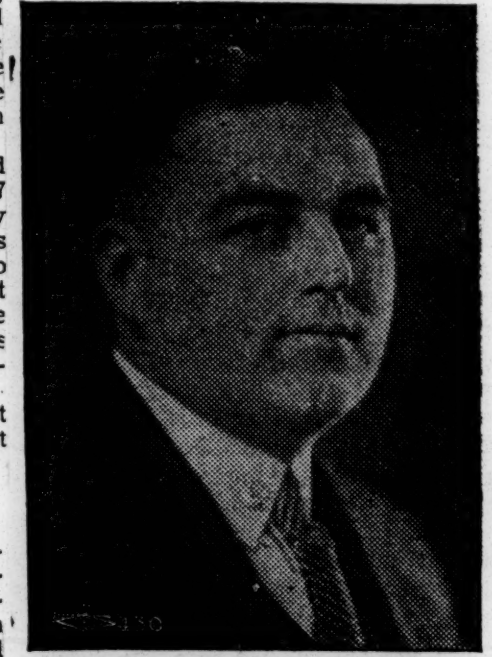
Cunningham, a negro, is sought by Fulton county authorities, where he escaped from a chain gang 13 years ago, after conviction in 1924 on charges of burglary and receiving stolen goods. Cunningham, who admitted he was the man sought, attended his trial was unfair because negroes were barred from juries and that he was brutally treated at the camp where he was held. He said sentences aggregating 34 to 70 years were imposed on him after conviction.

GOV. HURLEY AT HEARING

Listens to Pleas on Behalf of

Eugene Wilson
ATTY. LEWIS BRILLIANT

For over two hours last Wednesday afternoon, Governor Charles F. Hurley sat in his executive chambers at the State House and conducted a final hearing on the case of Eugene Wilson, alias James Cunningham,



GOV. CHARLES F. HURLEY

who is being demanded by the State of Georgia as a fugitive from justice.

His Excellency afforded Atty. Irwin T. Dorch, chief counsel for Wilson, every courtesy in presenting his case, and closely questioned several of the witnesses. Officer Jack Carter of the Georgia (Fulton County) Police falteringly repeated his unconvincing denials of the brutality of his state's penal system.

Atty. William H. Lewis, Sr., closed the proceedings with a brilliant and touching summation.

Gov. Hurley, who at first stated that he would refer the papers back to the Attorney General's office to consider the expediency of the case, finally declared that he would not do so, and took the matter under advisement.

Eastern Governor Encouraging Georgia Escapes, Says Rivers

ATLANTA, July 31—(AP)—Governor E. D. Rivers charged responsibility for the escape of 15 convicts from Georgia chain gangs to Governor Charles F. Hurley, of Massachusetts, today.

"Your precedent of harboring Georgia criminals," Rivers said in a letter to Hurley, encouraged a series of escapes culminated by the flight of three prisoners from the Troup County gang yesterday in which a guard was wounded.

The Georgia governor referred to Hurley's refusal to grant extradition of James Cunningham, negro who escaped from a Fulton County (Atlanta) prison camp 13 years ago after serving three months on seven bery charges.

Hurley said a Boston hearing developed testimony Cunningham had been sentenced to from 34 to 70 years "for receiving stolen property." That there was "much evidence of brutality" on the Georgia gangs and "a sense of humanity" prevented him from ordering extradition of the negro.

Rivers said the sentence was nine to 20 years and denied the brutality charge.

"It might interest you to know," Rivers wrote, "that your widely publicized comments in declining this extradition have been, by the world element of our State, widely circulated within the prisons of Georgia and that we have had many prison breaks this week with the reported avowed determination on the part of those escaping to make their way to Massachusetts in order to be safe from return to Georgia."

The break of Vincent T. Baker, escaped negro burglar, who found motor car thief, and two companions a sanctuary in Massachusetts when from the Troup stockade was cited arrested there, despite the fact that by Rivers.

"Prison clues," he said, "indicate they are headed your way."

Shooting an unarmed guard in one leg, the three stole arms and ammunition from the camp arsenal and fled in a new motor car seized at pistol point from Miss Katherine Parsons, district supervisor of State child welfare work.

In a series of other breaks recently 12 men have gotten away and one, a life timer, was fatally wounded.

Rivers Lays Wave of Gang Breaks To Hurley Refusal To Extradite

Constitution 8-1-37
Governor of Massachusetts Taken To Task for Action in Barring Rehearing on Cunningham Case; Georgian States Prison Condition in Northern State.

Governor Rivers yesterday charged that a series of prison breaks, which resulted in 15 escapes within the last week, were inspired by the refusal of Governor Charles F. Hurley, of Massachusetts, to return to Georgia a fugitive negro captured in Boston.

In a letter to the Massachusetts chief executive, Governor Rivers said the state has had many prison breaks since the Hurley decision, the prisoners seeking "to make their way to Massachusetts in order to be safe from return to Georgia."

Future Efforts "Futile."

Dictating the letter as his first official act on his return to the capital following a long and serious illness, Governor Rivers told his fellow executive "while the law requires that I issue requisitioned comments in declining this extradition, in view of your action in the Cunningham case and comments thereon, it is obvious that any future effort on my part in that behalf would be futile."

The Rivers letter was written in reply to one from Governor Hurley refusing to reopen the extradition case of James Cunningham, escaped negro burglar, who found sanctuary in Massachusetts when arrested there, despite the fact that he was charged with violation of the lottery law of that state and fined \$325 in Boston police court.

Governor Rivers referred to the latest successful escape plot, that of Vincent Baker, who with two companions shot his way to freedom from a Troup county convict camp late Thursday.

"In the morning paper," Governor Rivers wrote, "appeared a statement that a notorious desperado, Vincent T. Baker, and two of his confederates shot down a guard and made their escape, and present clues indicate that they are headed toward your state."

Unrest Increasing.

The Governor said this was based on a statement to him by Chairman G. A. Johns, of the State Prison Commission, that since the Hurley decision on the

Cunningham case wardens and guards of several convict camps have reported to the commission that a more than usual condition of unrest exists in the camps and that numerous talks have been overheard from prisoners revealing plans for making their way to Massachusetts.

Chairman Johns said the prison commission had issued orders to all wardens to double their vigilance over prisoners during the period of "unusual unrest."

Vice Chairman Vivian Stanley supported the contention of Governor Rivers and Chairman Johns. "The Governor and Judge Johns are correct in their opinion," Stanley said. "We are doubling our vigilance, but when prisoners are assured of a haven in another state they are liable to take long chances to get away."

Another Factor Cited.

Commissioner Stanley also blamed the "epidemic of escapes" to a general tightening up on pardons and paroles by the Governor's office.

"The really bad boys know that they have little or no chance of getting a pardon now," he said. "It is quite likely that they are taking chances which they did not formerly take when a pardon was more easily obtained."

Stanley said that the Troup county gang, from where Baker and his pals escaped Thursday, is one of the gangs where the toughest prisoners are sent.

"You might call it a sort of an Alcatraz for the state penal system," he said. "The warden there is used to handling hardened criminals. However, like other camps, it is overcrowded because we do not have enough such places to send our toughest men."

Governor's Letter.

Governor Rivers' letter to Governor Hurley follows:

"Hon. Charles F. Hurley, Governor of Massachusetts, Boston, Mass.

"Dear Governor Hurley: Upon my return to the office

this morning I find your telegram. The position you take in this matter of James Cunningham and, in general, towards the prison conditions and penal system of this state is most unusual on the part of a governor of a sister state. The refusal of a personal request of one governor to another to reopen such a case for further hearing is beyond understanding.

"Your wire reveals on its face that you were misled in that you state this self-confessed criminal had a total of 34 to 70 years to serve; whereas the sentences you mention were to run concurrently and the prisoner had only actual sentences of 9 to 20 years to serve for all of these various crimes, which punishment ranks favorably with that meted out by states throughout the nation, for similar crimes. A reopening of the case to permit adequate representation of the state of Georgia, when it became contested, would have developed this fact unmistakably and refuted the statements made by this defendant. Not only would this have been refuted but the statements made about prison conditions and brutality would have been likewise refuted.

Difficult to Understand.

"It is hard for me to understand why you assume to pass upon these matters anyway because the scope of an extradition hearing is universally recognized to rest solely on jurisdictional facts. Nevertheless, there will be no reprisals. Your requisitions, supported by jurisdictional facts, will be honored by me, and any time you want a case from your state before me reopened, it will be promptly and cheerfully done. I will not call in question the right of your courts to fix their own punishment, or the condition of your prisons and penal system, despite the fact I am informed that the Massachusetts state prison at Charlestown has been the scene of several mutinies as a result of treatment of prisoners, and is 137 years old, and that the inmates just recently created a series of disturbances over charges of fa-

voritism and need for political pull in obtaining releases, and that the place has been condemned as a fire-trap, and that the sanitary facilities are obsolete.

"Whether or not these reports are exaggerated, I shall not presume to inquire into. That is a matter for the people of your state. I will do this not only because I conceive it to be my duty towards you and the people of your state but for the further reason I do not want to make Georgia a dumping ground for escaped criminals from Massachusetts.

Breaks Increasing.

"It might interest you to know that your widely publicized comments in declining this extradition have been, by the underworld element of our state, widely circulated within the prisons of Georgia and that, since your precedent of harboring Georgia criminals and refusing to give them up, for the reasons you assign, we have had many prison breaks this week with the reported avowed determination, on the part of those escaping, to make their way to Massachusetts in order to be safe from return to Georgia.

"In the morning paper appeared a statement that a notorious desperado, Vincent T. Baker, and two of his confederates, shot down a guard and made their escape, and present clues indicate they are headed toward your state. I have on my desk this morning an official communication from the chairman of our prison commission in which he calls attention to this epidemic of breaks and loss of life and property attendant thereto, and he points out that these breaks were inspired by your unprecedented official attack.

"While the law requires that I issue requisitions, in view of your action in the Cunningham case and comments thereon, it is obvious that any future effort on my part in that behalf is futile.

"It is a matter of regret that you would not come here and see our situation first hand before finally determining this

of which you yourself would have been the sole judge.

Respectfully,

"E. D. RIVERS, Governor."

case. It is a matter of greater regret that you have declined a courteous, personal and official request made from the governor of one state to the governor of another state to reopen it for further hearing, in order to at least give us an opportunity for appearing with adequate facts,

Make No More Martyrs

Governor Ed Rivers still is wrothy about refusal of Governor C. F. Hurley to extradite an escaped Georgia convict from Massachusetts. Governor Rivers has decided to appeal to federal law to get his fugitive convicts back.

In view of the recent epidemic of Georgia chain gang escapes—which Governor Rivers glibly blames on Governor Hurley—it seems that Georgia officials might first arrange to keep the convicts already serving time before they crusade to get back the ones who escaped to distant states.

One of the convicts Governor Rivers particularly wants to get back is Robert Elliott Burns, whose book, *I Am a Fugitive From a Georgia Chain Gang*, caused most of the present national ill repute of Georgia's penal system. Whether Burns wrote his book to make money or to expose what he considered typical chain gang conditions, he gained national sympathy, Georgia gained national notoriety, and nobody did anything about it.

That is, nobody did anything about working a fundamental change in the Georgia penal system. Several governors decided they would "protect" escaped convicts from Georgia and consequently denied Georgia's petitions for extradition.

As The Telegraph has iterated, conditions in Georgia chain gangs are no worse than conditions in Florida chain gangs (they are even more notorious) or in chain gangs of any other state that employs the same system. But they are bad. Most officials in the system try to do a decent job, but a few cruelties, many escapes and a few instances of too much tenderness for favored prisoners continue.

There seems no particular good in going to pains to get two escaped convicts back from a long way off while others continue to escape almost every week from badly equipped, ill-operated gangs scattered all over Georgia.

Naturally, every convict who escapes wants to stay free, and most of them tell hair-raising stories of brutalities reminiscent of those in Uncle Tom's Cabin. Most of these are calculated to gain sympathy rather than to represent facts. Governor Hurley may or may not have had just cause for refusing extradition for James Cunningham. Former Governor Harry Moore may or may not have had just cause for refusing extradition for Robert Burns. But certainly it is more important to administer justice to convicts who are serving terms in Georgia, and to take whatever corrective steps are necessary to change the Georgia penal system than it is

to drag back convicts who have gained national sympathy through the very nature of their cases, amid martyrizing notoriety.

It takes a lot of Robert Burns' to teach Georgia how much harm a misplaced martyr can do.

Crime Wave Low Over Week End

The crime wave which caused woes to many Atlantans for the past several weeks was at low ebb over the week end as only a few minor complaints were registered at police headquarters.

A man listed as Charlie Strickland of 179 Houston street was the victim of a snatch thief when a culprit is alleged to have walked up to him and took \$5 and fled. Strickland could not furnish police with an adequate description of the thief.

Edgard Mathis of 370 Greensferry Avenue reported to police headquarters that someone had stolen his bicycle, valued at \$27, while it was parked at the corner of Chestnut and Fair streets.

Police were dubious over the alleged robbery of Charlie Sims of 388 Pasadena Place, who reported that he was held and robbed of \$8 by an armed bandit. Sims told investigating officers many conflicting stories concerning the incident, according to police records.

A man listed as Willie Watson, of 124 Bell street, was arrested and booked at police headquarters by Officer E. P. Mashburn following a complaint from J. S. Henson, white, of 1180 Lee Place who stated that the arrested man had knocked him down and robbed him of a small amount of cash.

Whitman Day of 536 Stonewall street, reported to officers that a thug had taken a flashlight valued at fifty cents while he was at the corner of Glenn and Cooper streets.

Timothy Knox of 260 Currier street, reported to police that some one had lifted \$6 off him while he was buying a drink of whiskey. He told officers that he suspected a woman known as Lucy Hutchinson as having committed the offense.

A man listed as Oliver Ponder, who gave his address as being 10 Davis street was arrested by Officers Bradford and Cartwright and booked at police headquarters on suspicion.

According to police records the

STATE OFFICIALS AND U.S. ATTORNEY PLAN ON ACTION

Governor Calls on Federal Officers for Assistance; Revised Statutes Seen as Giving Georgia Right to Cunningham.

HURLEY ASSAILED

ON HIS ATTITUDE
Constitution
"I Am a Fugitive From the Chain Gang" Author at Large in New Jersey; Faces Freedom Peril.

Governor Rivers yesterday prepared to seek the return of the negro fugitive, James Cunningham, from Massachusetts under federal law, announcing that if he was successful the state would renew its efforts to bring about the return to Georgia of Robert Elliott Burns, the escaped robber whose book "I Am a Fugitive From the Chain Gang," was made into a motion picture several years ago.

Burns at present is in New Jersey, presumably safe from Georgia law because former Governor A. Harry Moore, of that state, refused to honor Georgia's request for his extradition.

Conferences Ordered.

Revealing that he has not given up hope of returning the negro Cunningham to Georgia to complete a long sentence for a series of robberies, Governor Rivers announced that he had instructed Assistant Attorneys General W. H. Duckworth and Marshall Allison to confer with United States Attorney Lawrence S. Camp with a view toward invoking federal statutes, which the Governor said forced Governor Hurley, of Massachusetts, to order the prisoner's return. Governor Rivers said:

"I have instructed Mr. Duckworth and Mr. Allison to proceed to protect the rights of the state of Georgia under the full faith and credit clause of the United States and under section 5278 of the revised statutes of the United States."

Brief Conference Held.

Assistant Attorney General Duckworth conferred briefly with District Attorney Camp yesterday and said he would continue the conferences today or Monday.

The "full faith and credit clause" of the federal constitution provides that one state must accept the judgments of the courts of another state.

Section 5278 of the revised federal statutes reads:

"Whenever the executive authority of any state or territory demands any person as a fugitive from justice of the executive authority of another state or territory to which such person has fled and produces a copy of an indictment found or an affidavit made before a magistrate of any state or territory, charging the person with treason, a felony or other crime, certified as authentic by the Governor or chief magistrate of the state or territory from whence the person so charged has fled, it shall be the duty of the executive authority of the state or territory to which such person has fled to cause him to be arrested and secured, and to cause notice of the authority making such demand or to the agent of such authority appointed to receive the fugitive and to cause the fugitive to be delivered to such agent within six months from the time of the arrest the prisoner may be discharged."

First Action of Kind.

As far as could be learned this is the first time that Georgia has invoked the aid of federal laws in seeking to obtain the return of a fugitive. The refusal of Governor Moore to return Burns was the most outstanding case in which the state was denied its prisoner. However, scores of times in the past for reasons best known to themselves governors of other states have declined to return prisoners and by the same token Georgia Governors have declined to honor extraditions from other states.

The negro Cunningham was arrested in Boston nearly two months ago on a lottery charge. After his arrest it was discovered that he is the same James Cunningham who pleaded guilty to a series of burglaries in Atlanta in 1924 and was sentenced to serve from 9 to 20 years. Governor Rivers

Rivers Scores Hurley.

Governor Rivers scored his fellow chief executive publicly for refusing to comply with the request and when the Massachusetts Governor's action immediately preceded a number of prison breaks in Georgia he was blamed for it.

Burns was known as the "\$4 bandit" here in the early years of the last decade, having been convicted and given a long term for a holdup which netted him only \$4. The nation's now most publicized fugitive first fled from Georgia in 1922. He was captured eight years later in Chicago and the Governor of Illinois turned him over to Georgia authorities. Returning here to complete his sentence he served only a short time before again taking flight. This time he went to New Jersey where his brother, the Rev. Vincent Burns is a minister of the Gospel. It was while in hiding that he wrote his book and sold it to a motion picture company.

Later Burns was arrested and his extradition case was brought before Governor Moore, who declined to honor it. No case has ever been brought before the present Governor, Harold G. Hoffman.

man is wanted by Detectives Jones and Mitchell in connection with a burglary offense.

Crime - 1937

Georgia

LASH RESTORATION ADVOCATED TO END LACK OF DISCIPLINE

Rivers, Prison Commission Take Plea of Gang Officials for Whipping Post Under Advisement After Discussion Here

9-9-37
STATE TO DEFEND

GUARDS WHO FIRE
Dismissal Order Killed
by Governor; Discharged Camp Heads Are Restored to Their Posts

Georgia convict wardens yesterday were given orders to "shoot to kill" fleeing prisoners as Governor Rivers and the prison commission took under advisement their appeal for restoration of the "lash" abolished by executive order of former Governor Hardwick nearly 14 years ago.

The "shoot to kill" edict was handed down by the prison commission, with the approval of Governor Rivers, after Attorney General Yeomans had ruled that the whip permits a warden or guard to fire on a fleeing prisoner if the warden or guard believes the only way to prevent the escape is to fire. The commission and the Governor promised to "back up" any guard who is forced to go to court to defend his action.

Whipping Post Sought. Although the nearly 300 wardens, county commissioners and county attorneys attending yesterday's meeting at the capitol desisted from whose yes-gangs escapes were affected, as the order was issued signed to map plans to halt a long succession of escapes roundly cheered every appeal for restoration of the whipping post, Governor Rivers said he first would refer the matter to the Department of Law to determine its legality

and then would permit its restoration only after certain "restrictions" had been set up by the prison commission.

Governor Rivers indicated that he might permit the return of the "whipping post" only as punishment for convicts who escaped or attempted to escape.

Wardens and county commissioners were in accord that the long line of recent escapes was due to a general insubordination of prisoners who had been led to believe that they could not be physically punished regardless of their actions.

After the lash restoration had been urged by Chairman Troy W. Raines, of the Bibb county commission, and his appeal had brought a cheer from the assembled wardens, Governor Rivers asked the meeting:

"Do the wardens favor whipping only prisoners who escape or attempt to escape or is it desired that the whipping be permitted when rules of the prison camps are broken?"

Bill of Rights. The wardens spoke out that they favored the lash for any and all infractions, including escapes and attempted escapes but Governor Rivers said that because the bill of rights in the state constitution prohibits whippings for violation of the law the matter must first be referred to Attorney General Yeomans.

Chairman G. A. Johns, of the prison commission, said that he favored the restoration of the lash but that under no circumstances would the prison commission permit its return unless a physician was present at each whipping and was empowered to stop the procedure in the event he felt that it would be permanently harmful to the physical well-being of the prisoner.

"I do not know but that I favor the whippings at the very door of the courthouse in full view of the public," the prison commission chairman said. "Then there could be no talk about private whippings in which a convict was treated harmfully."

Dismissal Order Killed.

Meanwhile as the meeting proceeded, Governor Rivers revealed that he had rescinded his order for dismissal of wardens from whose yes-gangs escapes were affected, as the order was issued signed to map plans to halt a long succession of escapes roundly cheered every appeal for restoration of the whipping post, Governor Rivers said he first would refer the matter to the Department of Law to determine its legality

They had been dismissed by order of the prison commission following escapes from their gangs over the week end. A Hall county guard, discharged as a result of the escapes at Gainesville, was not restored to duty.

Nearly a score of wardens aired their views at the meeting, presided over jointly by the Governor and Chairman Johns.

A great part of the time was taken up discussing the means of defending wardens and guards in the event they were prosecuted for shooting prisoners.

Defense Fund.

Senator Paul Lindsay, of Atlanta, a member of the senate penitentiary committee, said he would propose to the general assembly that a special fund be set up under the prison commission for the defense of the guards.

"A convict warden or a guard represents the dignity and majesty of the state just like any other official or employe," the senator said. "I feel and I believe the general assembly will agree with me that a warden or a guard should be defended for action in line of duty just as we would defend any other official or employe."

Governor Rivers said he would co-operate with this plan and so did Chairman Johns. It was agreed that the matter would be presented to the assembly at its forthcoming special session and that meanwhile should a guard need legal assistance it ought to be provided by the county attorney in the county in which he is located.

Whipping Advocated.

Both Senator Lee Purdom, of Blackshear, of the senate prison commission, and Representative Ed L. Almand, of Walton county, chairman of the house penal group, agreed that the whipping of prisoners should be restored with certain restrictions. They said their committee intended to recommend its restoration in their report to the assembly.

Governor Rivers interposed a remark that he would go along with the wardens on the whipping program providing it is not abused. "Of course there must be restrictions," the Governor said. "I do not believe that our wardens will abuse the plan, however, but if it is put back into use it will be for a trial only and if it does not work we can cancel it out again."

In addressing the wardens, Chairman Johns revealed that when the movement to fill the new

\$1,500,000 prison in Tattnall county opens in full swing various wardens will be asked to name members of their gangs for transfer.

To Take "Bad Men."

"We believe that some of the men taken out of the gangs will aid in straightening out matters," Johns said. "We are going to let the wardens get rid of their bad men."

Several wardens said that if they were permitted to get rid of two or three men they would not have further trouble in their gangs.

At the meeting concluded it was agreed that the wardens would name a representative from each congressional district to work with the prison commission in setting up new and clearer rules on corporal punishment.

Chairman Johns said that a written official order regarding the right of a guard or warden to shoot a fleeing prisoner would be mailed out to all camps today and would be read to the guards and prisoners and then posted conspicuously at the camps.

NEGRO SHOOTS LOCAL GROCER, GOES TO JAIL

9-13-37
Mason, Ga.
Merchant, Reported Critically Wounded, Denies He Threatened His Attacker

Russell Turner, partner in the Henderson-Turner grocery store on Napier avenue, suffered a shotgun wound of the right shoulder while trying to collect a bill from a Negro customer yesterday.

County officers said they are holding Will Pleaz, Ernest street Negro, as his confessed assailant. The Negro surrendered to county officers at the courthouse shortly after the crime.

The shooting occurred at Pleaz's home shortly after 9 a. m. A bystander called an ambulance and Mr. Russell was carried to the Middle Georgia hospital where doctors pronounced his condition critical.

Weakened from loss of blood. Mr. Turner underwent a blood transfusion yesterday afternoon and doctors held hope for his recovery last night.

Chest Cavity Penetrated

The shotgun charge, fired at close range, mangled his shoulder and part of the charge penetrated the chest cavity, doctors discovered.

The Negro told Sheriffs' Deputy W. H. Bowden he fired in self-defense after Mr. Turner had "threatened to kill me."

Mr. Bowden, however, said he had talked with Mr. Turner, who, he said, denied making the threat.

Witnesses said Mr. Turner appeared at the house shortly after 9 a. m. and called Pleaz to the door. When asked about the bill the Negro declared "I done paid it and I have receipts to show for it."

Turner Walks Away

Then followed a brief conversation and Mr. Turner turned and walked toward his car.

As he did Pleaz went into the house, secured a shotgun and fired, witnesses said.

City officers received a call to investigate the shooting, found it outside the city limits and transferred the call to the sheriff's office.

A radio call to two county cruisers put officers on the trail within a few minutes after the shot had been fired.

Pleaz fled the scene, went to the home of his employer, Louis A. Shepherd, who lived a few blocks away on Napier avenue.

Mr. Shepherd, salesman for the R. A. McCord Motor Company here, advised him to surrender to authorities and went with him to the county jail.

Jailers last night held him incommunicado on an open charge pending developments in Mr. Turner's condition.

Pulse of the Public

The columns of The Constitution are always open to the expressions of the public, regardless of the opinion expressed. The only limitation on communications are that they shall be signed; be brief—preferably not longer than two or three hundred words—and not libelous. All communications will be subject to editing, and none will be returned unless postage is inclosed.

OPPOSES RETURN OF LASH

Editor Constitution: Your editorial, "An Unthinkable Step," in Thursday's issue is unanswerable. It seems incredible that such a suggestion should be made at the moment when Governor and prison officials are seeking to prevent further wholesale escapes, for any one who gives it thought ought to conclude that beating humans like they were beasts, would multiply escapes or at least, attempts.

In 1923 I had the honor of serving on a committee from the organization then known as Committee on Church Co-operation, the lamented Marion Jackson, Charles N. Walker, James Morton and possibly one or two others were members. We called on Governor Hardwick; Mr. Jackson presented his carefully prepared brief and the Governor immediately signed an order forbidding the lash.

It is true that the "sweat box" and other medieval means of torture were used more extensively from that time until this day (to the disgrace of the state); but even so, these awful punishments cannot be compared to that of a brutal chain gang boss beating a prisoner with bared back until the blood flowed, that was common occurrence in Georgia until Governor Hardwick intervened. Thank you for your splendid editorial.

JOHN A. MANGET.
Atlanta, Ga., Sept. 10, 1937.

HALTING A BACKWARD STEP

Editor Constitution: Your leading editorial in Thursday's issue, entitled "An Unthinkable Step," is very timely. I rejoice to see The Constitution leading in an effort to keep Georgia from taking such a backward step. There are too many citizens who fought long and hard to have the lash abolished to sit by complacently when an attempt is made to restore it. Thank you very much for your stand.

STUART R. OGLESBY, D. D.,
Pastor Central Presbyterian Church.
Atlanta, Ga., Sept. 9, 1937.

A DEGRADING STEP

Editor Constitution: Georgians have gradually come to realize that your paper steadily champions many rightful causes, and your unusually strong editorial, "An Unthinkable Step," keeps such thoughts going.

We are not living in the dark ages in 1937. For Georgia to return the lash to convict camps would be to turn the wheels of civilization backward for a generation. Why take the negligence and inability of guards and thrust it upon the shoulders and backs of convicts. Surely Georgia can furnish men who are efficient and capable to guard men who are already wearing chains.

To even consider such a step would be a reflection upon our schools, churches, courts, justice, humanity and every fundamental principle of right. Christianity should lead men towards the golden rule instead of back to savagery. Justice cries out against such a step as has been suggested. The degradation of the restoration of the lash would be worse of Georgians outside the camps than upon those on the inside.

Thank you for your editorial and all that it means to the great commonwealth of Georgia.

W. H. FAUST,
Secty. Dept. of Evangelism,
Georgia Baptist Convention.
Atlanta, Ga., Sept. 9, 1937.

LASH WOULD BE CROWNING SHAME

Editor Constitution: From the bottom of my heart I thank you for your editorial this morning denouncing the proposition to restore the use of the lash in our convict camps.

Our percentage of illiteracy is about the highest of all the states; our percentage of farm tenancy is greater than in any other state but one; our standard of living is admittedly lower than in any other part of the country; and so is our wage scale.

The reputation of our penal system is such that Governors of other states refuse to honor extradition warrants of the Governor of this state.

And now it is proposed to add the crowning shame by a return to the lash. How much lower are we to sink in the scale of progress and civilization?

J. T. HOLLEMAN.

Atlanta, Ga., Sept. 9, 1937

Chain Gang Fugitives

One fugitive from a Georgia chain gang—Robert Elliott Burns—became famous a few years ago when he wrote a book about his experiences. After its publication Georgia attempted to extradite the author from his new home so that he might serve the rest of his term, but Governor Moore of New Jersey protected him.

The case of another fugitive, James Cunningham, a Negro, recently precipitated a controversy between the Governors of Georgia and Massachusetts. Thirteen years ago Cunningham, sentenced for robbery, escaped from a chain gang in Georgia. Last June he was identified in Boston when arrested on a lottery charge. But Governor Charles F. Hurley of Massachusetts, denouncing the Georgia prison-camp system for alleged abuses, said his "sense of humanity" would not permit him to sign extradition papers.

To Governor E. D. Rivers of Georgia this was a challenge. He wrote Governor Hurley that by "harboring Georgia criminals" he had encouraged a series of prison breaks. He warned the Massachusetts Governor that the escaped convicts "are headed your way."

Exiled to the North

Last week Governor Rivers made sure that at least one ex-chain-gang member would be headed Governor Hurley's way. He issued a parole to Fleming Willis, a Negro, who had served less than a month of a ten-month lottery sentence, on condition that for the remainder of his sentence he make his home in the Bay State. Happy but somewhat perplexed about how to get there, Willis said: "I'm going to mosy right on up to Massachusetts."

The controversy ended suddenly when Governor Rivers, learning of the illness of Governor Hurley's daughter, wired his sympathy. The Governor of Massachusetts sent back "sincere thanks."

Chattanooga, Tenn. News
September 6, 1937

NEGRO CONVICTS

Editor The News: Gov. Rivers may have thought the sentence banishing the Negro convict to Massachusetts was a smart rejoinder to the Massachusetts Governor's refusal to return an escaped convict. It was neither smart nor kind. The basis of slavery was a friendly relation of mutual cooperation and helpfulness (and respect), and this friendship remains unbroken in the younger generation of the children of these slaves and the descendents of their owners.

This penniless, jobless Negro starting on his enforced exile from his home and people is not a pretty sight to those who love the traditions of the Old South.

For mankind are one in spirit, and an instinct bears

Round the earth's electric circle, the swift flash of right!

Whether conscious or unconscious, yet humanity's vast frame

Through the ocean-sundered fibers, feels the gush of joy or shame.

In the gain or loss of one race, all the rest have equal claim."

A DAUGHTER OF THE OLD SOUTH.

Chattanooga, September 6.

Atlanta, Ga. Journal

September 10, 1937

Many Protesting Return of Lash To Gangs

Many protests against the return to the lash to Georgia chain gangs were being received Thursday by Governor Rivers and the State Prison Commission.

Governor Rivers has not yet asked the State Law Department for a ruling as to the legality of whipping convicts, as he was requested to do at a mass meeting of county wardens Wednesday. The chief executive said Thursday that the ruling would be sought, however.

Meanwhile, no new chain gang escapes have been reported since the wardens were authorized to instruct their guards that they had legal authority to shoot prisoners attempting to escape. The last escape reported to the Prison Commission was that of a negro trusty who walked away from the Lowndes County chain gang while Warden A. F. Wood was attending the meeting in Atlanta.

Sheriff Grady Meeks, of Upson County, reported to the commission Friday that he had captured Billy Wells, who escaped from the Banks County chain gang a week ago. This leaves only two men still at large out of the seven who escaped from Banks County in a spectacular break which brought about the order of Governor Rivers for the discharge of wardens and guards responsible for escapes.

Dispatches from Boston Friday were to the effect that the National Association for the Improvement of Colored People there is trying to locate Fleming Willis Atlanta negro barber who was paroled by Governor Rivers on condition that he spend the remaining nine months of his lottery sentence in Massachusetts.

The association broadcast an ap-

peal for the location of Willis, who left Atlanta more than a week ago and presumably was hitchhiking his way to Boston. The association offered to pay his railroad fare to Massachusetts, for fear his parole might be revoked if he was unable to get there.

Governor Rivers paroled the negro as a protest against an attack on the Georgia penal system by Governor Hurley, of Massachusetts, who refused to send an escaped negro convict back to Georgia.

Crime-1937

Georgia

NEGRO GIRL FORGER PROVES PROBLEM Age Bars Federal Action and State Has No Institution for Such Cases.

Fulton county juvenile authorities and federal probation officers were worried yesterday over what disposition could be made of a case against a 14-year-old negro girl, who is charged with rifling purses, forging and cashing checks.

Lillian Strong, of a Myrtle street address, has no federal charge against her, even though she did open United States mail, for she is under 16, theft of the letters and check forgeries being considered a delinquency, not a crime.

The girl was arraigned before Judge Garland Watkins, of the Fulton juvenile court, but he did not put her on probation, usual expedient in such cases, as he considered it too serious a crime. The county has no institution to accommodate criminal negro girls and neither has the federal government.

Authorities are now considering taking out a federal indictment against the girl and having her transferred to a state in which provisions are made for the housing of negro girl delinquents.

Judge Watkins said the negro had visited a jewelry store, bought a \$40 wrist watch and forged and cashed a \$70 check. Checks were also cashed for \$54 and \$49 at two merchandising shops, he added.

"A woman told me forging checks and cashing them was the easiest way to get money," was the girl's only defense.

Brantley Solon Charged With Assault on Negro

Altercation Arose When Man Refused to Move From Park Bench, Jones Says

BRUNSWICK, Ga., Jan. 26 (AP)—Police Chief J. E. Register said today a warrant charging assault on murder had been sworn out against State Representative W. S. Harley Jones of Brunswick county after an altercation in a park here last Wednesday.

In Atlanta, the representative said he struck a Negro man in Brunswick last week after the man sat down beside him on a bench, and drew a knife. Jones suggested he find a seat elsewhere.

J. Horace Symons, Justice of the peace, said the warrant was sworn out by Inez Harrison, wife of Frank Harrison.

Chief Register said Harrison "told

THE EVER READY KNIFE

Years ago the popular weapon of defense was said to be the razor. Many alleged culprits were pictured with this keen edged blade adroitly displayed. The growing popularity of the safety kind may be the cause of the preface of the switch-back knives. The latter is more dangerous looking and penetrating than the former. The knives are being carried even by the women who are frequent users of them. A few evenings ago a dapper looking young woman in passing threatened to penetrate the skin of her mate companion if he did not refrain from certain of his acts. In substitution, she deftly pulled out the knife from some hidden place, quickly opened it in a professional way. Frequent reports are made of young women cutting each other as well as men. It is reported that two of them fought a duel recently before a West Broad Street place of business. The savagery of their action awed the bystanders who were afraid to interfere. It ended only by the falling of one of them to the side walk. There are too many of these cutting scrapes. The wielders of these weapons should be severely dealt with, and in such a manner as to deter others. In fact there are too many brawls among a certain class of our people. They are the ones who are making unsavory reputation for the others of us.

me he sat on the bench and when he refused to move Jones hit him over the head with a stick. But Jones informed me the Negro drew a knife on him and he (Jones) left the bench, obtained a stick and returned to the bench where the fight occurred after the Negro had pulled a knife on him."

Jones said in Atlanta today he was seated on the bench when the Negro sat down beside him.

"I asked him if he could not find another seat, but he refused," Jones said. "He took a knife out, held it by his side, and then walked over to a nearby sidewalk where he talked with a second man, also a Negro. The second man came back, sat down on the bench and a short time later the first man returned, and shoved the second man closer toward me."

"After a while a newspaper boy passed and I got up, bought a paper, walked down the street and got me a piece of stick and went back

and let the first one have it. Jones said he posted bond with Brunswick police, without asking what the charge was, and would return home in two weeks. Jones lives in Waynesville.

Victim Of Alleged Police Brutality



MISS RUTH KING

Her hair hidden by a stocking cap, Miss Ruth King, 16, of 65 Hogue street, S. E., shown here in bed, Thursday declared that five members of the Atlanta Police Department came to her home before day-break and one of them kicked her twice in her left side when they failed to find her 14-year-old brother who was being sought on a charge of burglary.

The local branch of the N. A. A. C. P. Friday night promised to investigate the alleged attack. Police Chief Hornsby said Friday night that he has already started an investigation.

Police Brutality Charges To Be Investigated By Atlanta's NAACP

The local branch of the N. A. A. C. P. Friday night voted to launch an investigation into the case of Miss Ruth King, 16, of 65 Hogue street, SE, who declared that early last Thursday morning she was kicked twice in her left side by a member of the Atlanta Police Department.

The announcement of this proposed investigation was made known Saturday morning. Forrester B. Washington, director of the Atlanta University School of Social

Work, is president of the Atlanta division of the National Association for the Advancement of Colored People.

Three local N. A. A. C. P. executives visited the home of the Miss King early Saturday, her mother said last night.

Police Chief Hornsby reported Friday night that the Police Department had already begun an investigation of the alleged attack.

Mrs. Viola King, mother of the girl who said she was kicked by the officer, told the World Saturday night that she sought a colored

doctor during the day to examine her daughter, but the physician whom she contacted "seemed too poor to send anyone to Macon."

One of the five officers, who was attired in civilian clothes became angered and kicked "me while I was in bed," Ruth declared.

The mother said she sent her daughter to Grady hospital and she went to both the Mayor's office and the office of Police Chief Hornsby. She was permitted to talk to the Chief of Police.

Mrs. King said she visited the offices of the two men again Saturday but was unable to talk to either.

When told that Jerry was not at home, one of the officers accused Mrs. King of having sent him to Macon, Ruth said.

"I told them that mother was

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The girl was arraigned before Judge Garland Watkins, of the Fulton juvenile court, but he did not put her on probation, usual expedient in such cases, as he considered it too serious. It is reported that two of the girls, who are being held in the institution to accommodate criminal negro girls and neither has the federal government.

Authorities are now considering taking the girl and having her transferred to a state in which provisions are made for the housing of negro girl delinquents.

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"A woman told me forging checks and cashing them was the easiest way to get money," was the girl's only defense.

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Her hair hidden by a stocking cap, Miss Ruth King, 16, of 65 Hogue street, S. E., shown here in members of the Atlanta Police Department came to her home before day-break and one of them kicked her twice in her left side when they failed to find her 14-year-old brother who was being sought on a charge of burglarizing.

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The young victim remained in bed Saturday. The mother said she had been rubbing the girl's side with liniment.

Mrs. Viola King and her daughter said five members of the Police Department came to their home Thursday morning "before day-break" seeking Jerry King, 14-year-old son of Mrs. King. The boy was being sought on a burglary charge, the mother stated.

When told that Jerry was not at home, one of the officers accused Mrs. King of having sent him to Macon, Ruth said.

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Allegation Arose When Man Refused to Move From Park Bench, Jones Says

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J. Horace Symons, police of the peace, said the warrant was sworn out by Inez Harrison, wife of Frank Harrison.

Chief Register said Harrison "told me a piece of stick and went back and

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"I asked him if he could not find another seat, but he refused," Jones said. "He took a knife out, held it by his side, and then walked over to a nearby sidewalk where he pulled a knife on him."

Jones said he posted bond with Brunswick police, without asking what the charge was, and would return home in two weeks. Jones lives in Waynesville.

Mrs. Roosevelt Greets Police Station Matron

house by thugs by crawling through a window and making good the attempt by lifting \$15 in cash.

Officials at police headquarters attempt by lifting \$15 in cash. commented last night on the fact Tyre Bellamy of 383 Leonard Street notified the police department that a bicycle owned by him in the city had been removed and valued at \$31.60 was removed true democratic qualities for by unknown parties. which she and the President are Clyde Veazy of 337 Newport Street discovered that robbers had

She shook hands with all the officials and, with a broad smile on her face, also shook the hand of the colored matron at the jail before departing. A marked car of a 1934 model

A parked car of a 1934 model was stolen from Floyd Hemphill of Grady Municipal Hospital, 394 Mangham Street as it reposed in front of the 81 Theatre. The victim valued the car at approximately \$100.

The death of Leroy Stubblefield, victim valued the car at approximately \$300.

GEORGIA'S NOTORIOUS PRISONS—A COSTLY EXPERIENCE

day. He was admitted Saturday night after suffering second and third degree burns.

Maude Brooks of 1558 East St., was admitted and treated for a stab wound in her left side.

Joel Nash 120 Vine St. was ad-

Many States of the Union now have publicity bureaus and an annual appropriation for State advertising. In every State there are local chambers of commerce endeavoring to advertise the resources and opportunities of their respective sections.

Joel Nash, 120 Vine St., was admitted suffering from a similar wound on the left side of his body.

Dewey Henderson was permitted to return to his home after being treated for a stab wound in his left hand.

Wallace Knowles of 870 Rock street, was admitted as result of eye was injured. He also suffered an auto accident in which his right injury to the left shoulder and arm.

Robert Simmons of 447 Georgia Avenue was treated for a deep stab wound in his back.

Sidney Johnson of Crew Street, weighed constantly. 3-15-37
was the victim of a stab wound in It is surprising that States are willing to
the left side of his chest. spend money endeavoring to create a fa-

Jessie Chandler of 333 Felton Drive was treated for an injury inflicted by a rock. Chandler is child 5 years of age.

Thieves were unusually busy in Atlanta Sunday. The offices of Cunningham and Sons; Dr. G. Warren and Dr. S. A. Peters, of 78 1-2 Auburn Avenue, N. E. were entered by burglars.

A thief stole a bicycle belonging to Wallie Mosley of 372 New Street from in front of the Georgia Theatre. The owner values the stolen vehicle at \$25.

George Broughton of 257 Ol Wheat St., reports the entry to his

A few days ago eight columns of pictures, depicting the use of stocks in Georgia prison camps appeared in a New York newspaper. Had Georgia bought a similar space

to advertise its peaches, its golf courses and Alabama can profit by the impression it Bobby Jones, its industrial opportunities, creates and at the same time reap the its highways, etc., the bill would have run benefits that come from improvement. into four figures.

The use of stocks in Georgia's prison camps has been abolished within the last few days by order of Governor Rivers and the prison board. The Atlanta Constitution carries a description of this device, the ingenuity of which would have been a credit to the geniuses of the Spanish Inquisition. The description reads in part:

The stocks consist of two blocks of wood hinged together to form a clamp about the legs of a prisoner who has been seated on a box in front of them. At arms' height there is a similar wooden clamp to hold the arms. These clamps are joined by wooden blocks which force them tighter as guards pull down on a steel lever.

On one side of the stock is a steel pin that holds the lever down. Holes are provided at intervals so that the lever can be pegged into place as the guards draw the clamps tighter.

Into one of these stocks is put the troublesome gang member. The guard locks the stocks and pulls the level to the first notch.

On this notch the legs and arms of the prisoner usually fit perfectly and there is no pain.

Ten minutes later the guard pulls the lever down to the second notch and pegs it there.

The skin of the prisoner is pinched and twisted.

Another 10 minutes lapses and the guard
Ve pulls the lever to the third notch.

The V-shaped arm and leg holes pinch deep into the flesh and squeeze as sharp pains are felt over the body. This usually is sufficient to cause the prisoner to accede to the wishes of the guard.

But, if he is a tough customer, the pin is plugged at the fourth notch. The bone is mashed tight, the skin may be broken, the flesh is painfully twisted, cut. The point of the V-shaped hole is only as wide as an ordinary pencil.

The stocks were adopted after the "sweat box" was banned three or four years ago following a sensational exposure.

Alabama abolished the "leasing" system of convict labor many years ago. Its prison system requires less than half a million dollars to operate and may become self-supporting. The personnel is humane. True, we have county and city jails in Alabama which are notoriously filthy, but people in other sections of the country do not look upon Alabama as a State where barbaric prison practices are condoned.

Aside from the morals of the question, the point is that Alabama has not suffered from the unwholesome and adverse advertising that Georgia has received. And yet crime conditions in Georgia are no better than they are in Alabama—if anything, they are worse.

There are many other ways in which

Georgia Prisons Taboo Stocks



Stocks have been abolished as a means of punishing prisoners in Georgia chaingangs. The State prison commission rounded a rule permitting their use and ordered warden to destroy them. Two prisoners are shown in stocks at the Bibb County chaingang camp near Macon shortly before that manner of punishment was outlawed. (Associated Press Photo)

Crime - 1937

RIVERS TO SEEK PRISON REFORMS

Governor Outlines Legislative Plans To Abolish Chain Gangs in State.

Georgia's controversial chain gang system and the shackles from which it takes its name would be abolished under a legislative program outlined by Governor E. D. Rivers yesterday.

The move, the Governor said, will be a part of a broad system of prison reforms being worked out by a special senate and house committee appointed at the general assembly this spring.

The group will report at a "Thanksgiving to Christmas" special session.

Lash Plan Dropped. Coincidentally, it was reported at the capitol that a proposal for returning the lash for unruly prisoners will be dropped.

County wardens asked for whipping — abolished in 1923 — when they met with the Governor and Prison Commission last week to discuss "wholesale breaks" this year from their camps. Rivers promised to return it should Attorney General M. J. Yeomans rule it legal.

An authoritative source said Yeomans would hold the lash unlawful and the Governor, for that reason, would not ask him for a formal opinion.

Honor Camps Planned. Rivers said the chain gangs would be "abolished as such and revamped into honor highway camps to which the prisoners will be admitted on good behavior."

This, he explained, will eliminate the necessity for the 2 1-2-prisons in Washington. Davis pound chains swung between the prisoners' ankles. Less than 10 percent of the prisoners are now put in the chains.

"No shackles or chains of any kind will be put on the prisoners in the highway camps," he said.

The new penal system the Governor explained at his press conference, will revolve about the new \$1,600,000 prison in Tattnall county erected with federal aid. A number of prisoners are being quartered there now, setting up machinery and getting ready for

the remainder of the 2,200 prisoners it will house.

Plan Camp for Tough.

All prisoners will be sent to Tattnall first, he said. Those who show they are entitled to a transfer will go to the new road camps, and incorrigibles will be sent to a special rock quarry camp at Elberton in the northeastern part of the state.

"We expect to have in charge of the prison setup a penologist grounded in modern penal methods to administer the new and revised system," Rivers said.

In addition, there will be a full-time physician, a full-time psychiatrist and a combination chaplain and educator at the Tattnall prison.

Education for Prisoners.

The State Education Department, he said, will have charge of vocational training and illiteracy eradication among the prisoners.

The State College of Agriculture through the board of regents of the university system, will have charge of planning farm work at the prison. This will include the establishment of an experimental station there.

The new system, Rivers said, will include segregation and classification of prisoners as authorized by the 1937 legislature.

Rivers said the legislative committee had worked out the proposed changes through consultations with prison officials of other states. They will also, he added, "take into consideration the recommendations in a report of the federal government soon to be filed with them."

Two Discussed for Post.

Officials who would not be quoted by name said at the capitol two men have been discussed as possible appointees for the new penology post.

They are George Fisher, who worked out the industrial setup for the new Tattnall prison and who is now in charge of the institution, and James P. Davis, a native Georgian who is now connected with the Federal Bureau of Prisons in Washington. Davis headed the federal survey of Georgia prison conditions which he said will be released shortly.

Another development was the disclosure that Governor Rivers and Chairman W. L. Miller, of the State Highway Board, are now sitting in on prison commission meetings as ex-officio members. A law passed during the closing rush hours made them members of the commission without additional compensation. Observers pointed out that with the vote of one of the three salaried com-

missioners, they could control the rulings of the body.

CHRISTIAN COUNCIL

OPPOSES LASH

Declaring that the lash tends to injure a prisoner rather than help him, its proposed return was opposed by the Christian Council of Atlanta in a resolution adopted at yesterday's meeting of the council.

Dr. W. A. Shelton, pastor of the Grace Methodist church and member of the State Board of Education, presided over the meeting and the resolution opposing the lash was sponsored by the Rev. W. H. Faust, secretary for evangelism for the Georgia Baptist convention. The return of the lash as a means of handling unruly prisoners was sought last week at a meeting of convict wardens from all over the state.

Another resolution, urging Governor Rivers to bar proposals for repeal of the bone-dry law at the forthcoming special session of the legislature, was adopted by the council. This measure was sponsored by the Rev. Lee Cutts, pastor of the Capitol View Baptist church.

This resolution pointed out that a local option plan recently was voted down by the electorate and charged that if the assembly seeks to pass on it again "they will be breaking faith with the voters."

FORMER TROOP WARDEN

OPPOSED USE OF LASH

Editor Constitution: It may interest your readers to know that the late Harold Hardy, who was warden of the Fulton county chain gang, and Robert Burns, inmate and escape, told me shortly before his death in his opinion the use of the lash was brutal and useless as a means of maintaining discipline and was never used during his administration, which was one of the best any chain gang in the state ever had.

Warden Hardy especially resented the allegations of brutality because they were not only false but contrary to his principles. His administration proved that a man of competence, capability and intelligence could carry on most efficiently without beating helpless prisoners. I hope the authorities of our state will do nothing to justify the recent aspersions cast upon us by outsiders.

REV. JOSEPH D. C. WILSON.
LaGrange, Ga., Sept. 13, 1937.

Georgia.

DOUBTS ACCURACY OF ALEXANDER STORY

Editor Constitution: I find in the Constitution an article of Pierre Van Paassen under the title, "Bona parte," in which a story is told about a Russian general who was court-martialed and shot by order of Emperor Alexander I for having offered a captain's instead of a colonel's commission in the army of Catherine II to Napoleon Bonaparte on the latter's application for service in the Russian army.

This story is entirely at variance with the historically well-established character of Alexander. In the first half of his 25 years' reign, he was the most liberal monarch of Europe; in the second, he was a mystic and took little active part in the administration of his empire. An order from him to court-martial and shoot a superior officer for having done, at his discretion, his duty under the Czar's predecessor is a psychological and an historical impossibility.

Mr. Van Paassen must have been induced in error by some fairly imaginative scribbler.

P. POROHOVSHIKOV.
Oglethorpe University,
Sept. 13, 1937.

WANTS A FARMERS' PARTY

Editor Constitution: The farmers have depended long enough for help upon the people who have made a living off the products of their toil. They should now organize into county unions; forming individual branches of the tree of the National Farmers' Union. Elect a governor of each county union to serve four years. He, as a part of his duties, could serve as their representative at the National Farmers' Union conventions.

Thus organized, the farmer could have power to bring about legislation sufficient for his just protection. He could finance himself and thereby save millions in interest, annually, and could regulate production to suit the demands of same. He could set a minimum and maximum price list for his commodities.

The "dear politicians" cannot definitely and permanently protect him, first, because they are not farmers, any more than they are manufacturers, electricians, or doctors. Secondly, they have too many masters to serve to serve any with efficiency. It is up to the farmer to protect himself.

E. L. LOVE.
Decatur, Ga., Sept. 11, 1937.

CONSTRUCTIVE CRITICISM

Editor Constitution: It often costs as high as \$100,000 to catch a kidnaper, but I do not think the cost too high, if it is necessary. However, I have never been able to understand why a man should be turned loose in a few years when we have every reason to believe that he has not been reformed. Much of the money spent by our governments is used in catching the same person.

Why turn a person loose when you know he is a criminal? Would it not be the part of wisdom to send the criminal to prison until a competent jury, to be composed of the warden and citizens taken from a jury list, say he has reformed and is ready to be free and will obey the laws of his country.

Our prisons should be planned so as to correct the defects in the life of every person who goes there. Prisoners should be graded carefully, with promotion to higher grades as they prove themselves worthy and finally, when it appears they have learned their lessons, they should be recommended for pardon. Let this take a short or long time, as the case may be, and let it apply to every person who has been convicted twice for crimes. Such a policy would save the government thousands of dollars and many lives.

R. E. L. WHITWORTH.
Dallas, Ga., Sept. 11, 1937.

QUITMAN PAPER

JOINS FIGHT ON LASH

Editor Constitution: I have read with vital interest your leading editorial in The Constitution of today in regard to the proposed restoration of the lash in Georgia chain gangs. It is heartening to read your viewpoint and I am certainly with you. The Quitman Free Press joins you in a fight to prevent Georgia from following the suggestion of wardens and guards. You say in your editorial that the idea is unthinkable, as a matter of fact, for it has always been in the minds of wardens and guards. The only right of the average chain gang is might.

ROYAL DANIEL,
Editor, The Quitman Free Press.
Quitman, Ga., Sept. 11, 1937.

Mayor Blames Whisky for Plight Of Most Women Taken by Police

Romance in Too Many Lives Is 'John Barleycorn,' Hartsfield Declares, Deploing the Alarming Number of Arrests for Drunkenness.

The romance in the lives of too many women is "John Barleycorn," Mayor Hartsfield asserted yesterday in deploring the number of white women arrested for drunkenness as increasing alarmingly.

"Women and whisky just don't mix," said Hartsfield.

He declared the police informed him that more and more white women, many from prominent families, are being arrested every day as "sots."

His comment came in connection with the escape of eight women prisoners from the city prison farm where 31 were crowded into quarters built to accommodate 25.

"We are going to have to enlarge the white women's quarters because there are so many more women prisoners," he observed. An addition to the stockade to house 100 prisoners is now being erected with prison labor, he

The Return Of The Whipping Post

To those who believe the almost incredulous stories that have made Georgia chaingangs look like the old days of the inquisition when human blood was poured out like water, there was no manner of surprise that the wardens all over the state came out wholeheartedly for the return of the whipping post. This was prima facie admission on the part of those in charge of an inability to cope with the jobs for which the tax payers are paying them: handsome salaries, as well as inviting back a condition we have outlived long, long ago.

Such conditions as advocated above are what are causing Governor Hurley and others to consider Georgia chaingangs unsuited for the return of escaped convicts. The order is unsound and subjects to the most debasing humiliation those who are sent up for punishment and reformation.

Whipping adults is not only unsightly and inhuman, but it debauches the person doing the whipping. In whipping an individual the blood pressure goes up. It stays up quite a while and the whipper will use his revolver under any sort of pretense.

On the other hand to set up a state defense system for the protection of guards who are prosecuted for their action in "shooting to kill prisoners", the fortifications are thrown up for the unscrupulous guards to shoot any prisoner at will and charge that he is trying to escape.

Governor Thomas W. Hardwick outlawed the whipping post in this state some fourteen years ago and we hope to never live to see it return to mar the progress and hamper and humble the pride of this great state. Just as has been said, if we have a personnel unable to handle the prisons and prevent escapes without throwing us back for years in our striving to make our prisons humane, then these should be replaced by more intelligent men who are able to prevent escapes without "shooting to kill" and applying the whipping lash.

To those who resent the impression spread abroad about prison conditions in this state, and who look upon it as a discredit when other states regard our system so unsound as to honor the usual extradition papers for the return of a fugitive from justice and believe in the principles enunciated by the sermon on the mount and desire our state to proceed in the path of Christian progress and self respect, HERE IS YOUR CHANCE AND MAKE THE MOST OF IT!

AN UNTHINKABLE STEP

More than a decade ago the lash was outlawed in Georgia's prison system. Governor Hardwick, responding to a state-wide expression of revulsion at whipping of convicts, ordered the prison commission to forbid all whipping in the future.

That Georgia prison officials should contemplate, today, a return to that barbarous practice of the past is a reflection on the ability of prison officials to discharge their duties in a manner in keeping with humane and modern requirements. A warden who cannot prevent his prisoners from escaping without resort to the lash should be replaced with a more intelligent, competent and humane officer.

If the lash returns as part of the equipment of Georgia convict camps this state will no longer be in position to resent such criticisms of her convict system as that voiced recently by Governor Hurley of Massachusetts. Resort to the rule of the whip in Georgia would justify the citizens of other states in pointing the finger of scorn at Georgia.

Certain it is that further efforts to bring about the return of the lash will result in a wave of resentment sweeping the state.

There are other ways of discouraging prisoners from becoming fugitives than by applying the methods of control used upon wild beasts. Whipping not only degrades the whipped, but debases both the actual whipper and the society which authorizes or condones his brutality.

GEORGIA'S PENAL REFORMATION

At a recent meeting held in Atlanta of the wardens of the county chain-gang, a demand was made for the returning of the use of the whip, as a punishment for unruly prisoners. No doubt this demand was unanimous, because there was no recorded protest, not even from the governor, excepting the suggested advice of the attorney general be secured before such an order be issued. To the credit of most Georgians a protest was made against the return to such barbaric punishment. This week the governor made the pleasing announcement that the chain

gang system of the state will be abolished, with a massing of the convicts at the recently erected penitentiary in Tattnall County. Only well-behaved, unshackled prisoners may be used for road work. This will be an epoch in the prison history of the state, of which there have been two distinct improvements. The inhuman lease system was the cause of the death and mistreatment of hundreds of convicts working in the coal mines, farms and other class of laborious employment. Many fortunes were made by the lessees. Sentiment forced a discontinuance of this lease system. The next change was in the early twenties when order was issued stopping the brutal whipping of the prisoners. This did not prevent some wardens from doing so, but most of them obeyed. Now comes the latest suggestion, discontinuing the chain gang system of the state, and place the prisoners in a modern prison. Should this prison be conducted properly, it will redound to the praise of Georgia, and be the means of reclaiming many who may otherwise become hardened.

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GEORGIA AND HER CONVICTS

Georgia has been rebuffed by Massachusetts in its attempt to extradite a Negro who escaped from one of its chain gangs and who was later captured in that State.

The sovereign State of Georgia has been refused extradition in other cases on previous occasions. Governors of States where escaped prisoners are captured like to sit in judgment on Georgia and once or twice a year they turn thumbs down on requests for extradition.

Governor Rivers is fed up with this treatment and is "going to do something about it." He contends that the "full faith and credit" of the Constitution is a guarantee against such treatment and has asked the Attorney General to consider the advisability of going into the Federal courts.

One reason for Georgia's aggressive attitude is that some steps have been taken to clean up the State's prison system. The stocks have been abolished and the lash is applied less frequently. Furthermore, Georgia recently purchased a prison that was built by the PWA, and there is even talk of abolishing the chain gang system.

Talk has been revived of efforts to extradite Robert Elliot Burns, the most famous of Georgia chain gang escapes. Burns was the author of "A Fugitive From a Chain Gang", which purported to be an account of some of his own experiences. A motion picture was made from the story, and the result was to give Georgia some most unpleasant publicity.

Burns was serving a sentence for a \$4 hold-up when he made his first escape. He was returned twice and escaped twice. He is today living a peaceful life in New Jersey.

If we had a job as public relations consultant for the State of Georgia we should advise the Governor not to attempt to bring Burns back. In the first place, the public is convinced that he has fully atoned for his crime. In the second place if he were returned it would revive memories of his book and Georgia would be looked upon as heartless to return a man under the circumstances. Finally, there would be the suspicion that Georgia was more interested in returning Burns as a punishment for writing the book than in returning him to serve the remainder of his term as atonement for the \$4 robbery.

At a time when the State is making efforts to modernize its penal system and live down the reputation it has gained—justly or unjustly—it cannot afford to indulge its desire for revenge.

But In This Case The Cat Came Back

WHILE Atlanta has some honorable men on its police force, registering in every particular up to the majesty of the law, those acquainted with our sights and customs know that it is no uncommon thing to see a policeman grab a man by the belt of his pants, curse him and jerk him about like you would a horse. For many years we have been ashamed of the orgy and knew it did not become a great city like Atlanta. It smacked of the dark ages and represented a force in charge of keeping the peace, our worst menaces to the public peace.

Chief Hornsby on several occasions has proved worthy of the position he graces. He has filed charges against Policeman Poole, (already known in newspaper headline quarters, having given the department in the days of his late father much publicity) for conduct unbecoming an officer.

This time it was a Mr. E. Cutler Dawes, nephew of an ex-vice-president of the United States, who saw a white fellow being, what he termed, imposed upon. Mr. Dawes left his office and offered to appear as a witness for the man in court. He alleges he was manhandled, humiliated and caught by the belt of his pants and hustled off to headquarters.

We want the mandates of the law obeyed. This is the only medium whereby we can have a safe city, but we cannot see how law and order can be enhanced with those charged with keeping the peace, bringing the law under contempt and suspicion by being themselves the most outlandish offenders in the municipality.

Only last Saturday the citizens were treated to an ugly spectacle in seeing a county policeman man-handle an innocent driver of a car who sustained an accident. It is hardly fair in a city like ours, with its narrow streets and light posts to upraid and attempt to kick those who happen to have an accident now and then.

Such treatment breeds disrespect for the law, causing many of those who can to run away from the scene of an accident or attempting to defend themselves in a violent way because of their suspicion of the law enforcement personnel.

We can never have law and order and the full cooperation of our citizens in the enforcement with a part of them feeling that they are not going to be fairly treated.

CRIME HKE OBSERVED IN GATE CITY

Assailants Leave

Trails Of Blood

As Proof

Minnie Williams, 114 of 114 Fort Street, N. E., was in a Grady hospital Ward Saturday her condition declared serious, following an early morning altercation near the Fort street address. The woman was cut on the right and left arms and the back, reports showed. An argument was said to have resulted in the slashing.

Police, Saturday, were informed by Odessa Merritt, 23, of 491 1-2 Auburn, that she was cut about the nose, left arm and back on August 16 by an indicated assailant. No arrest had been made in connection with the case at a late hour.

Police, Saturday, arrested F. L. Collins, 20, of 263 Pine Place, N. E., and booked him on a charge of suspicion of assaulting Benjamin Howard, of 978 Palmetto Street. The alleged assault and battery took place on August 12, it was reported.

George Arnold, 22, of a Mitchell Street address, was held on suspicion of burglary June 2 of the home of Roosevelt Smith of 584 Greensferry Avenue, S. W.

Minor affrays between Atlantans began early Saturday morning, according to Grady hospital reports which told of treatments from the alleged mishaps.

Homer Bolden, 24, of 360 Mar-

tin Street, was in a hospital ward, Saturday evening, suffering much loss of blood due to a deep laceration of the forearm.

Said to have a deep laceration of the right side of the chest, William Carswell, 22, of Rear 400 Decatur Street, was treated in the clinic and dismissed.

Roger Jackson, 38, of Chamblain Street, had a stab wound on the left side of the neck when treated during the afternoon.

Cary Culbreath, address unknown, was considered in critical condition at Grady hospital Saturday night following an automobile accident at the corner of Kennedy and Emmett Streets. Police learned that the car striking Culbreath was driven by Roy James and belonged to Hugh Gavitt, both white. No charge was placed against the white men, because of Culbreath's alleged drunken condition at the time of the mishap. The injured man was lacerated on the left side of the scalp and nose.

Henry Hayes, 20, of 600 rear Whitfield Way, was treated for a gunshot Saturday according to Grady Clinic reports.

Negro's 2d 'Death' Official, Permanent

DAWSON, Ga., Sept. 4.—D. W. Holley, negro, was buried "for proper" this week. It was the second time he fell into the undertakers' hands.

Last year, Holley, arrested on a bicycle theft charge, had what was described as an epileptic spasm, failed to respond to treatment and was given up for dead. A negro undertaker placed the body in his shop, left, and later returned to find his "corpse" had escaped. Holley was rearrested on the theft charge but, because of his condition, was permitted to live on a farm in the Sasser community, east of here.

A few days ago, he died—this time definitely.

Six More Convicts Ask Paroles to Massachusetts

Two Killers, Four Burglars Seek Chance To Visit Governor Hurley's Cod Fish Haven; Amend Petitions for Freedom To Include Out-of-State Condition.

Convicts whispered of "Massachusetts parole" yesterday as reading: "Spend your parole at Cape Cod."

Grapevines sped the word Governor Rivers had released a negro lottery operator on condition that he live nine months in the Bay State of Governor Charles F. Hurley, where James Cunningham, fugitive Georgia burglar, found a haven.

Six prisoners amended clemency applications with certification of their willingness to live in Massachusetts as set forth in the parole plea of the lottery operator, Fleming Willis.

Governor Rivers said they were two burglars and four life-term killers.

"It seems Governor Hurley may have solved our prison problem for us," Rivers said. "We may not have to keep anyone in our chain gangs under the conditions he complained about ('brutality' and long sentences)."

On Merits Alone.
The Governor did not indicate when he would act on the new appeals, but said they would be considered on their merits alone.

Governor Hurley opened the exchange July 27 with criticism of the Georgia penal system in refusing a grant extradition of Cunningham.

Bewilderment was expressed by Willis' wife.

Three young children behind her skirts, she said he left afout Wednesday night with "a few things" from their home.

"Don't you think," she asked, "he would have been freed even if he didn't go to Massachusetts?"

"What do you think," was the response.

"I don't know. I sure am glad he was freed though."

Aid Promised.
Aid was promised Willis by B. R. Wilson, attorney and president of the Boston branch of the National Association for the Advancement of Colored People.

"If he will work hard and behave himself," Wilson said, "we will help him get a job in his trade as a barber or some other job which will keep him from suffering."

Jesting with friends at the cap-

Paroled Negro En Route To Massachusetts Haven

'Sing' Willis Says 'Georgia Chain Gang Ain't a Bit Bad' But Accepts Governor Rivers' Invitation to Make His Residence in Hurley's State

of three children.

ATLANTA, Sept. 1 (AP).—Fleming "Sing" Willis, Negro convicted of lottery operations, headed today for Massachusetts as a pawn in a fight between Governors Charles Hurley and E. D. Rivers of Georgia over the merits of their respective penal systems.

Rivers paroled Willis from the remaining nine months of a chain gang sentence on condition that he make his home in the bay state for that period.

"Yes sir," the 30-year-old Willis grinned. "I'm mosy right along up there."

Given money for tobacco, he indicated he would hitch-hike.

The parole order followed repeated exchanges between the governor's refusal July 27 to grant extradition of Will Cunningham, Negro fugitive from a Georgia chain gang who subsequently was fined \$325 in Boston on a lottery charge.

Accommodation Cited
"Governor Hurley seems to be in need of extra lottery operators," Rivers observed. "I am accommodating both Governor Hurley and this prisoner by signing the parole."

Hurley said the extradition hearing disclosed "much evidence of brutality" of Georgia chain gangs and "a sense of humanity" prevented him from returning Cunningham, who escaped March 23, 1924, while serving 9 to 20 years for burglary.

Rivers described Hurley's action as "an indictment of Georgia and her sovereign people," commented on Massachusetts' Sacco-Vanzetti case and announced he had heard its state prison was "the scene of several mutinies" and "condemned as a fire trap."

Gang Ain't Bad, He Says
Willis' plea for parole was predicated upon his attorney's suggestion that he stipulate living in Massachusetts as one of the terms.

"Applicant feels," the petition said, "that the attitude of Governor Hurley of Massachusetts toward those similarly situated to applicant is more in keeping with the happiness and welfare of applicant than is to be found in the state of Georgia."

Willis since August 6 had aided mechanics at the Fulton prison garage, where officers reported his record was "very good." The Negro said he was a former Sunday school teacher, a barber, married and the father

NAACP WILL AID WILLIS
Atty. Dorch Ready to Meet the Issue; Atty Wilson Supports

Atty. Irwin T. Dorch, president of the Boston Branch of the National Association for the Advancement of Colored People, flung a challenge right back in the face of Gov. Ed. D. Rivers of Georgia on Thursday when the latter paroled a chain-gang victim on condition that he reside in the State of Massachusetts for the remainder of his unexpired term of nine months.



ATTY. IRWIN T. DORCH
Dorch on learning of the cracker governor's action, immediately announced that he would receive the man and take care of him until he got him a job. Fleming Willis, 30, an Atlanta barber and Sunday school

teacher, was serving a sentence on the Fulton County chain gang for selling number pool slips. With nine months of Willis' sentence left, Rivers saw a fine chance to attempt to cast a slur at Governor Hurley of Massachusetts and so a petition was framed in the executive office stating that the paroled man desired to live in Massachusetts as he could find more happiness there. Rivers then granted the parole on condition that Willis proceed at once to Massachusetts stating "Governor Hurley seems to be in need of more pool operators so I am sending him one." He also made a veiled threat to send many more Negro convicts to the Bay State.

Dorch Acts
Attorney Dorch issued a statement scoring the brutality of the Georgia chain gangs and rapping Rivers for using a human being to pay off a political grudge. "We in this state," said the NAACP head, "do not make a practice of harboring criminals because we do not want criminals in this state. However, we do not intend to face the other way when the victim of Georgia's brutal chain gang system who has committed no crime asks us for aid. Willis has a good record and if he behaves himself here he will get the same chance that Wilson received."

Job Offers
On Thursday several persons called Mr. Dorch at his office at 110 Tremont street offering to give Willis a job. The first of these offers came from Mr. Robert Goode, superintendent of buildings on Kneeland street, who offered to care for the Georgian on his farm at Lytleton, Mass.

Mr. Dorch despatched a telegram to Attorney Wald of the Atlanta NAACP asking him to locate Willis who was reported trekking north to cross the Georgia state line. Fearing that police of intervening states would apprehend the man, Mr. Dorch told the CHRONICLE that he would wire his fare to Boston as soon as Wald located him.

Ex-President Supports
Endorsement of the move made to accept Willis here was also voiced by Attorney Butler R. Wilson, 24 School Street, former president of the Boston NAACP. Said Mr. Wilson, "Under the conditions under which Willis was given his novel parole, the least the State of Georgia could do was to provide him with transportation to Massachusetts. Giving the man a few cigarettes and telling him to hitchhike to Massachusetts, proves the calibre of the

No Comment
Governor Hurley has so far made no comment on the action of the Georgia executive.

Crime-1937

Georgia.

Rivers To End Ga.

Chain Gang System

Governor

Outlines

Plans

Washed

A plan to abolish Georgia's chain gang system and to discontinue use of shackles or chains on prisoners was announced by Governor E. D. Rivers Monday.

In outlining his program, the Georgia executive said that all prisoners will be sent first to the new Tattnall County prison, said he:

"We expect to abolish chain gangs as such and to revamp them into honor highway camps to which prisoners will be admitted on good behavior. No shackles or chains of any kind will be placed on the prisoners in the highway camp."

"We expect to have in charge of the prison set-up a penologist grounded in modern penal methods to administer the new and revised program," Governor Rivers continued. "We expect to put Georgia's prison system on a par with the best of the nation."

"In preparing this program, the committed is consulting the setups of other states and also will take into consideration the recommendations of the report of the Federal Government soon to be filed with them."

"The program makes the Tattnall Prison the initial receiving point for all state prisoners."

"Prisoners will be classified, their background, training and experience analyzed and they will be assigned in the prison set-up as may be best suited to give them an opportunity to rehabilitate themselves."

At the state rock quarry in Elbert County a chain gang will be established permanently and unruly and dangerous prisoners will

be sent to this camp.

"We are planning to open a special rock quarry chain gang for those incorrigibles who will not respond to good treatment at the Tattnall prison," Rivers said.

It was reliably reported that the lash restoration plans will be definitely dropped. Pressure from over the state was brought to bear following the announcement from the state wardens' meeting last week.

The penology post has as yet been unfilled.

Macon, Ga., Telegraph
September 17, 1937

WILLIS WAS FREE,

MUSGROVE SAYS

Rivers' Secretary Replies to Suggestion That Negro May Still Be on Gang

ATLANTA, Sept. 16 (AP)—Downing Musgrove, secretary to Gov. E. D. Rivers, declared tonight Fleming Willis, paroled from a chain gang to Massachusetts, "was a free man when he left the governor's office."

Willis was granted his parole nearly three weeks ago with the understanding that he go to the Bay State. He has failed to appear in Massachusetts where Irwin T. Dorch, president of the Boston branch of the Association for the Advancement of Colored People, awaits him.

Dorch today suggested an investigation and A. T. Walden, Atlanta Negro attorney, said today he had "learned nothing" here of the missing parolee.

"He certainly isn't on the chain gang and he was a free man when he left the governor's office," Musgrove said.

The parole of Willis followed refusal of Governor Hurley of Massachusetts to extradite a Negro Georgia chain gang fugitive.

Governor Rivers' Chain Gang "Gift" To

Massachusetts Is Still Here, Report

Say Fleming Willis

Seen Cutting Hair

Saturday Night

Fleming Willis, "pawn" of Governor Rivers who was given to Governor Hurley of Massachusetts, was reported seen on McDaniel St., Saturday night.

Information came to the WORLD office that Willis was seen Saturday night cutting hair in a barber shop in the Pittsburg section.

Willis was paroled two weeks ago by Governor Rivers on condition that he go to Massachusetts, has not been heard from since according to newspaper stories. It was further reported in the news that the president of the Boston branch of the National Association for the Advancement of Colored People was awaiting the Atlanta's arrival, but up until the present time, no trace has been found or heard of the elusive Willis.

Colonel A. T. Walden, well known lawyer in the city, said that he recently visited the Willis home, and found the family "reticent" to discuss Willis' whereabouts. Walden's visit to the Willis home, is said to have been made at the request of Irwin T. Dorch, president of the Boston branch of the Association for the Advancement of Colored People, who is president of the local branch of that city.

WILLIS HAS NOT BEEN SEEN UP NORTH

NEW YORK—(SNS)—Fleming Willis, who was paroled from a Georgia chain gang on condition that he spend the remainder of his sentence in the state of Massachusetts, has not been seen or heard from by anyone above the Mason-Dixon line.

The N.A.A.C.P., according to reports which have not been verified, has been on the lookout for Willis, and have broadcast that he

was wanted, but no response has been received.

Georgia's constitution in the Bill of Rights reads: "Neither banishment beyond the limits of the state, nor whipping as a punishment for crime, shall be allowed."

Atlanta, Ga. Constitution
September 17, 1937

Fleming Willis And Trail Lost, Walden Reports

A. T. Walden, Atlanta negro lawyer, yesterday reported that he could find no trace of Fleming Willis, negro "bug" employe, who was freed two weeks ago by Governor Rivers with the understanding that he go to Massachusetts but who has yet to put in an appearance in the Bay state.

Walden instituted a search at the request of Irwin T. Dorch, of Boston, president of the National Association for the Advancement of Colored People. Dorch was to have received Willis in Massachusetts.

The Atlanta lawyer said he went to the Willis home and found the family "reticent" to discuss his whereabouts.

"I have written the Massachusetts folks that I have done all I can do," he said.

LET HIM STUDY IT

To the Editor of The Telegraph:

The man from the Ozarks who now occupies the Georgia Governor's chair should study the Constitution of Georgia for, if what I have read recently is true, he has recently violated the Constitution ignorantly or intentionally. I refer to Rivers' banishment of a Negro to Massachusetts to serve his parole. As I read it, in the Bill of Rights, of the Constitution of Georgia, in paragraph VII, will be found the following:

"Neither banishment beyond the limits of the state, nor whipping, as a punishment for crime, shall be allowed."

It seems that the Governor is more efficient at worshipping at the feet of a mere man than he is at interpreting the Constitution of the state of which he is chief executive. As one of his prominent and active supporters in his race last

year recently said to me, "Thank God, we ain't got but 16 more months of Ed Rivers."

FRANK THOMPSON.

Forsyth, Ga.

9-14-37

9-17-37

9-23-37

Anniston, Ala. Sta.
September 24, 1937

Toward Penal Reform

Governor E. D. Rivers of Georgia announces that his state's famous chain gang system is to be abolished and replaced by a more modern penal system.

The plan as he outlines it calls for continuance of prison road camps—with a vast difference in the method of operation. There would be a central prison to which all convicts would be sent. From it, drafts would be taken for road camps—but there would be no shackles or chains at the camps, and assignment to a camp definitely would be in the nature of a favor, a reward for good behavior at the prison.

Under such a system, Georgia may retain the advantages of her old system and do away with the disadvantages. Convict labor will continue to do useful work for the state, but the abuses which made the old chain gang notorious will be abolished. Altogether, it looks as if Governor Rivers has a most excellent idea.

Hurley's Pet Convict Gets Judge To Make It Easier for Him to Stay

Crawford W. Long, a Georgian and recognized first user of the anes-
thesia.

Consolidated Term
A Georgia negro chain gang fugitive, central figure in the opening skirmish of the Second War Between the States, found a judge yesterday who made it easier for him to continue his Massachusetts residence. *Ala. Sta.*

James Cunningham, the escape whose extradition was refused recently by Governor Hurley because of "evidence of brutality in the Georgia prison camps," pleaded guilty in Massachusetts superior court yesterday on charges of registering bets.

Judge Abraham Pinanski reduced a \$325 fine imposed in municipal court, which had been appealed, to \$75 and placed the negro on probation.

Cunningham was the center of a long verbal dispute between Governor Rivers and Governor Hurley of the northern state. Rivers denounced the Massachusetts Governor after extradition was refused and later paroled a negro bug writer to the Cod Fish state on provision he spend the remainder of his term there. The paroled man, Fleming Willis, started north with 17 cents via the hitchhike route.

The war was temporarily halted when Governor Rivers learned of the serious illness of Sally Hurley, eight-year-old daughter of the Massachusetts Governor, but was soon revived when Rivers barred the use of a schoolbook in Georgia which credited the discovery of ether to a Massachusetts doctor instead of giving credit to Dr.

Archaic Prison System of Georgia Will Be Abolished Under New Plan

Marked Similarity Seen Between California System and Program Outlined for State; "Honor Camps" To Be Principal Feature.

By WILLIAM G. KEY.

Georgia will slash away the most archaic prison system in the nation and substitute the most advanced method of handling criminals, if plans announced by Governor Rivers are finally put into effect.

More than 20 years can be rolled away by substitution of the new plan. The words "new plan" are used advisedly, since the same system has been in effect in other states for more than 20 years.

NEW PRISON HUB OF STATE PLAN

However, institution of this penal system in Georgia would have been impossible without the new Tattnall prison. It is necessary to furnish the hub for the new wheel the state is making.

The man generally credited with devising the plan is James A. Johnson, at that time warden of the San Quentin prison in California, prison authorities here said yesterday. He had previously served as warden of Folsom prison, also in California. He had assumed the Folsom wardenship without previous prison management experience, and the great strides he made there influenced his selection a year later, in 1913, to head the San Quentin prison.

He is now warden of the dread United States prison on Alcatraz island in San Francisco bay.

SIMILARITY SEEN OF SYSTEMS

A study of the California system and the proposed Georgia plan reveals a marked similarity.

It might be said that California approached the problem from the front; Georgia will be backing into the system, which has proved to be eminently successful. Naturally, it cannot be adopted in its entirety—adjustments have to be made to meet slightly different conditions and to meet the present psychology of the Georgia prisoner.

In California the main prison plant is at San Quentin. The Tattnall prison can be compared to it with the advantage in Georgia of a new, entirely modern penitentiary.

For the tough prisoners, California has the Folsom prison, where the main occupation of the convicts is operation of a granite quarry. It is proposed in Georgia to establish a "really tough" chain gang at the state-owned

quarries near Elberton.

HONOR CAMPS TO BE MAIN FEATURE

The "honor road camps" proposed by the Governor also have their prototype in California system—and have been more than successful. They are more like CCC camps than prison gangs. Convicts are housed in open camps, without walls or armed guards. There is nothing to mark the convicts—they work spread over several miles of roads without guard supervision, yet less than 4 per cent have escaped and of that number less than 1 per cent has remained at large.

Men in honor camps are paid a small sum, their total earnings depending on their care of issue. The maximum that can be paid has been \$2.50 a day, out of which all of their expenses, running generally to more than \$2 a day, are paid. Food is more varied and better than that of the prisons.

Escapes from a road camp fall heavily on each convict in the camp. Every time a man runs away his fellow prisoners are assessed \$200, of which each prisoner has to pay his share from his meager earnings.

HEALTH, EDUCATION IMPORTANT FEATURES

In the main, prisons, where all convicts serve before they are sent to the honor camps, health and education play a major part in their rehabilitation. From Governor Rivers' announcement, it is proposed that this be instituted at the Tattnall prison. Prisoners are intelligently classified and segregated. They learn as they pay their debt to society. Their illnesses, mental and physical, are treated.

Georgia will be well repaid, prison authorities say, by making the changes, radical though they may seem.

There will be many who will say that the system will not work—they said that in California. Men who have been accustomed to the old convict system will not be able to see how the new could possibly work.

Georgians anxious to see the present system wiped out are lucky. They can point to the 20-year experience of other states where it wouldn't work either, but which has been operated most successfully.

CLEARING HOUSE FOR CONVICTS

The Governor's plan, briefly, is to use the Tattnall prison more on inside and out and the chain gang less as a clearing house for state convicts. A "tough" chain gang would be established near Elberton for incorrigible prisoners. Honor road camps would be established for those in the Tattnall prison considered worthy of the chance. Health and education will be a cornerstone of the proposed system.

GEORGIANS BLOCK A RETURN OF LASH

They Also Doom Chain Gangs and Force Move to Revise the Whole Prison System

By EDWIN CAMP

ATLANTA, Ga., Sept. 17.—The people of Georgia will not tolerate a return of the lash in the State prison system. When they heard the proposed return of the lash last week, they spoke with such emphasis that they did more than suggest. They camps, in which there will be no shackles, no chains and all members will have the status of trustees. "We expect to put Georgia's prison system on a par with the best in the nation," Governor Rivers announced. "In preparing from a meeting of the county convict wardens who met here on the call of Governor E. D. Rivers to discuss the escape of more than 100, many of them hardened felons, within the previous thirty days. The wardens proposed the lash; the Governor listened to the suggestion and started an inquiry as to how it might be made legal. Governor Hardwick had abolished the lash seventeen years ago. Leaders of committees from both sides of the Legislature said they would recommend it as part of a new program of prison administration on which they had been working for several months.

But the news brought a storm of protests from press and public, who not only denounced the lash but added a demand for reformation of the entire penal system of the State.

The program will be presented to the special session of the Legislature to be summoned in November. The proposal to restore the lash has been dropped.

They gave to Governor Rivers a mandate which perhaps he expected; certainly he lost no time in acting upon it.

The system will be reorganized inside and out and the chain gang will be abolished. The reform will not come without some opposition, the system being involved in the maze of politics and patronage natural in county government.

But Governor Rivers and the legislative joint committee have determined and announced the general changes to be made. The program hinges on the new prison in Tattnall County, built as a Federal works project and taken over by the State.

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All prisoners will be sent to Tattnall, which is called the Georgia Alcatraz because of its modernity of sanitation and security. A penologist grounded in modern methods will be engaged to administer the new revised program.

To Be Try-Out Prison

Tattnall will be maintained as a try-out for the convicts, who will be employed at such tasks as manufacturing automobile license plates and covers for school books provided by the State.

Those whose conduct wins approval will be graduated to honor camps, in which there will be no shackles, no chains and all members will have the status of trustees.

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LASH ON CONVICTS BARRED IN RULING MADE BY YEOMANS

Solitary Confinement Only Punishment Remaining for Georgia Prison Camps.

Lashes for Georgia convicts fell back into discard yesterday after an abortive attempt to resurrect them from 13 years of prohibition.

The request of wardens of the state for permission to bring back the mode of punishment banned in 1923 brought from Attorney General M. J. Yeomans a ruling whipping of prisoners overstepped the bill of rights in the state constitution.

"There can be no effort to bring back the lash in the light of the attorney general's opinion," Governor E. D. Rivers asserted.

From Troy M. Raines, chairman of the Bibb county commission and advocate of the lash before a meeting of wardens here early this month, came an expression of regret.

Solitary Punishment.

"There never will be a chain gang in Georgia until they put the lash back," Raines declared at Macon.

Solitary confinement cells remained the lone method of punishing convicts under rules of the prison commission.

Use of the cells followed abolishment of stocks, in turn successor of the lash which wardens for many years used to keep their prisoners in line.

Proposals to reinstate the whip and the whipping post came when the wardens assembled on Rivers' call to "see what can be done about wholesale escapes, reaching the proportions of a scandal."

The lash was one of their suggestions. "Shoot to kill" orders to stop escapes was the other. They were told guards had the right to use the firearms they carry—customarily double-barrelled shotguns with at least one side loaded with buckshot.

Modernization Plans.

Rivers declared the attorney general's ruling would "in no wise" affect plans for "modernization" of the state's prison system. The plans call for housing of the "toughest" prisoners at the new Tattnall county prison, and the use of road working camps as "honor camps" for prisoners whose conduct indicates they will abide by prison rules.

Further, the plan calls for engaging of a penologist and psychiatrist at Tattnall to aid in handling and rehabilitating prisoners. Yeomans based his ruling on two sections of the constitution. They were:

"Neither banishment beyond the state nor whipping, as a punishment for crime, shall be allowed.

Yeoman's Ruining.

"Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted; nor shall any person be abused in being arrested, while under arrest, or in prison."

Yeoman wrote:

"The greater always includes the lesser. Since the constitution provides that 'whipping as a punishment for crime' shall not be allowed it would be preposterous to hold that the wardens, who are employes of the state or counties, have greater authority than the general assembly and the courts and can do indirectly what the general assembly and the courts can not do directly, that is, use the lash or the whip as a punishment for the lesser offense of infractions of prison rules and regulations."

The Blame Is In Georgia

Almost every day news dispatches bring new evidence of the fundamental need for revision of the Georgia penal system.

Governor Ed Rivers, irritated by refusal of Governor Charles F. Hurley in Massachusetts to extradite an escaped Georgia convict, wrote the Massachusetts governor a letter marked by more bitterness than understanding.

There have been other instances in which governors of Northern states hesitated to return escaped prisoners to Georgia gangs, caused by the widely accepted idea that "Georgia chain gangs" are strongholds of unshamed brutality.

The Telegraph does not accept such an impression. As a whole, Georgia gangs are no more brutal than chain gangs in any other state. But all such gangs are bad. Instances of brutality undoubtedly do exist and the system is not satisfactory and should be changed.

Chairman Vivian L. Stanley of the state prison commission, blamed Governor Hurley's refusal of extradition on sectional prejudice. Chairman Stanley is a conscientious official. He does the best he can to see that the Georgia penal system is free from unnecessary cruelties, free from unwise laxities, and that convicts are not allowed to escape. But he has a pretty bad system to work with.

Chairman Stanley may be partly right in blaming Governor Hurley's action on sectional prejudice. His comment that Massachusetts prison conditions are nothing to brag about also, no doubt, is correct.

But for Massachusetts conditions to be bad is no alibi for those in Georgia.

Governor Rivers wrote Governor Hurley that his "precedent in harboring Georgia criminals" encouraged a series of breaks culminating in flight of three Troupe county convicts who wounded a guard.

The Telegraph's contention is and has been that Georgia must some day afford a prison system that will enforce strict confinement and occupation for prisoners, which will give the guards a decent chance to enforce just regulations in a just manner, and which will eliminate as far as possible isolated cases of brutality and isolated cases of prisoner favoritism.

The sooner this state gets such a system the better.

Meanwhile there's no reason for the gov-

ernor to get angry with the Governor of Massachusetts for an act that may have been inspired by humanity, publicity, or prejudice. In this particular case the motive doesn't matter as much as does getting something done about the Georgia system.

In a series of recent convict breaks before that in Troupe county last week, 12 men have escaped and a life term was wounded fatally. It seems a little silly to blame all these on the Governor of Massachusetts.

Eastern Refusal To Extradite Negro To Georgia Protested

INQUIRY IS BEGUN BY STATE SOLONS

ATLANTA, GA., July 28.—(AP)—Governor E. D. Rivers termed tonight the refusal of Governor Charles F. Hurley of Massachusetts to grant the extradition of James Cunningham, escaped negro convict, "an indictment of Georgia and her sovereign people."

In a telegram to Governor Hurley in Boston Rivers asked him to reopen the case and invited him to Georgia to "inspect our penal system and our prison conditions first hand."

Governor Hurley yesterday declined extradition of Cunningham. Prison commission authorities here say he escaped from Georgia 13 years ago.

He was sentenced from nine to 20 years, prison records show, on charges of burglary and receiving stolen goods.

Governor Hurley in declining extradition mentioned "much evidence of brutality" to Cunningham while confined in Georgia, and said his oath of office and "a sense of humanity" prevented him from allowing return of the fugitive.

Governor Rivers in his telegram tonight said in part:

"The recital of your several oaths fortifies your solicitude for this self-confessed criminal with the sacred shield of conscience.

"Surely such a conscience will prompt you to be at least equally as solicitous to see that no injustice is done a sister State and her sovereign people."

Rivers said Cunningham would be confined in Georgia's new \$1,500,000 prison which he said he was informed "is more modern, more sanitary and more humane than any similar institution you have in Massachusetts."

Warden and Assistant Charged With Murder; Negro's Death Also Probed.

HOMERVILLE, Ga., Aug. 5 (AP)—

Warden R. L. Killian of the state highway convict camp here told a legislative prison committee today Ernest Locklear "was mistreated in no way" before his death in a solitary confinement cell July 10.

The committee, which started its study of Locklear's death with a public hearing at Pearson earlier today, heard Rufus A. Moore, Douglas attorney, question several witnesses as to possibility the convict was beaten.

W. T. Langston, yard guard for the camp, situated near Pearson at the time of Locklear's death, stated under questioning the convict "was not struck and was not abused."

Moore represented A. J. Locklier at the hearing, the latter having sworn out warrants for Killian and his deputy warden L. W. Ward.

The committee viewed the cell in which Locklear died, and heard Killian explain it was erected according to prison commission specifications.

The building, Killian related, was eight feet square, built of lumber two inches thick, and covered with "tar paper," a cot was built in as a permanent fixture.

Locklear 18 Years Old

Ventilation was obtained, he explained, by two openings in the wall, each four by eight inches, one located near the floor and the other near the roof. They were connected by a flue six by eight inches open at the bottom near the ground and extending above the roof.

Locklear, who was 18 years old ac-

cording to prison records, came to the Pearson camp last April. During a part of the time, and several weeks before his death, he was ill from a foot infection, camp physicians told the committee. Langston testified a doctor examined the prisoner just before he was placed in the cell, and pronounced him able to work.

Twice during the day, Langston said, he was given bread and water, and on his last check between 3 and 3:30 p. m., Locklear complained of "being hot."

After having been confined in the cell about eight hours, Killian related, Locklear was found dead.

Moore questioned practically every witness concerning bruises on the youth's body after he was found dead, but substantiated only a scar from his foot sore and a scratch on his leg.

Probe's Negro's Death

The committee also investigated the death of Frank Kelly, Negro convict who died of gunshot wounds July 2, Killian and Ward both were charged by Locklier with murder in this case also in a warrant now held unserved by Sheriff M. L. Davis.

Killian said the Negro was killed while attempting to escape. The warden declared he was not present at the camp when the shooting took place.

The committee promised Moore to conduct future investigations by going to Douglas to hear several witnesses there, and to question a man Moore listed as Robert Kent and described as a guard at Pearson at the time of Locklear's death.

Senator Lee S. Purdom of the committee said the investigation would form the basis of part of a report to the legislature, governor and prison commission on possible prison reforms, and that any other aspects of the case would be left to the grand jury, which meets next in October.

The investigation was one of several problems of the Georgia penal system, with a dozen fresh escapes in addition to the recent death of the two convicts on the records.

GEORGIA PLANS FUGITIVES FIGHT

Yeomans Is Expected To Institute Action Before U. S. Court for Returns.

Convinced of its right, Georgia yesterday sought its remedy in federal courts to bring about the return of the negro fugitive James

Cunningham from Massachusetts.

Governor Rivers has announced that in the fight to return Cunningham is successful he will use the same means as he renewed effort to return Robert Elliott Burns, the fugitive who wrote a book about Georgia chain gangs, from New Jersey.

Assistant Attorney General W. H. Duckworth again conferred with United States District Attorney Lawrence S. Camp on the matter. Camp made it clear that he cannot act for the state. It is a matter for the state's attorneys to handle alone, he said.

Washington Skeptical.

Washington officials, while agreeing the state theoretically may have the right to initiate extradition proceedings in federal court, declared the move without precedent and in their opinion not practical.

They pointed out any action brought against Massachusetts would have to be done with the consent of the legislature of the commonwealth and, in this case, it would be almost impossible to obtain such consent.

Extradition Attorney Fisher says such proceedings are without precedent to his knowledge and refused to comment on the Georgia situation as the department has never had occasion to pass on extradition of a person from one state to another.

Any action instituted on behalf of the state probably would be filed directly in the United States supreme court against the state of Massachusetts rather than its governor, inasmuch as Georgia's lawyers have found no way in which to invoke the laws against Governor Hurley who has declined Georgia's request for the criminal.

Campaign Plans Wait.

Attorney General M. J. Yeomans informed Governor Rivers that there appeared no doubt as to the state's right for the prisoner, but with members of his staff had not yet mapped out a campaign to bring about the return.

Meanwhile at Savannah, Superior Judge John Rourke Jr. and Solicitor General Samuel A. Cann denounced the action of Governor Hurley. The criticism occurred during a hearing before Judge Rourke on a habeas corpus filed by a negro wanted in Panama City, Fla.

"A great deal of responsibility for curbing crime rests with executive officers as well as arresting officers," Judge Rourke said. "Its a sorry state of affairs

when the Governor of Massachusetts refused to permit the extradition of an escaped criminal."

Statute Is Cited.

In Atlanta, Judge Yeomans pointed out that the federal statute under which Governor Rivers hopes to force the return of Cunningham does not provide any penalty if Governor Hurley continues to refuse Georgia its prisoner.

Duckworth said after studying section 5278 of the revised statutes of the United States that while the statute specifically said that a governor must turn over to another state a prisoner captured in his state there was no penalty provided in the event the Governor failed to do so.

"The statute as it stands appears to be merely directory," the state official said. "While it makes it clear that Governor Hurley should turn Cunningham over to Georgia it does not give Georgia any recourse against him if he declines to do so as Governor Hurley has done."

Studying U. S. Clause.

Duckworth said he was studying the "full faith and credit" clause of the constitution of the United States but said he had discovered no way to make it operate against Governor Hurley.

"You are in a different position when you are seeking to overthrow the act of a Governor," the assistant attorney general said. "The law says he must do certain things but it does not say what will happen to him if he doesn't. When it says another official or a private citizen must do this and must not do that it goes on to say what will happen if the provisions are not adhered to."

Duckworth said that the section of the revised statutes under consideration directed the Governor of a state to do certain things but provided no penalty for failure but the very next section which was based on the previous section provided a penalty.

None Against Governor.

"Section 5278 says that the Governor must turn a prisoner over to the agent of the requisitioning state and the next section goes on to say if that agent lets the prisoner get away he is subject to fine and imprisonment or both," Duckworth said. "Both sections cover the same matter but while there is a recourse against the agent there is none mentioned against the Governor."

Duckworth said it might be possible for the state to act directly against the state of Massachusetts rather than against the Governor.

"These are all deeply involved questions and it will take some time to finally determine what we

are going to do, if anything," he said.

The fugitive Burns is in the same category with Cunningham. He was arrested in New Jersey but obtained freedom when the Governor of that state refused to return him to Georgia. Governor Rivers said that if the federal laws were successful in obtaining the return of Cunningham he would direct that the same procedure be followed in an attempt to get Burns.

FIGHT BETWEEN GEORGIA AND MASSACHUSETTS MAY BE OUTCOME

Gov. Hurley Insists On Keeping Georgia's 'Prisoner'

The recent refusal of Massachusetts' governor to return to Georgia, James Cunningham, fugitive from a Georgia chain gang, has fired an unflinching determination on the part of Governor Rivers to appeal to the federal government to aid the state in demanding its "prisoner."

Spurred on "to fight it out to a finish", because of Governor Hurley's refusal to honor Georgia's request for the extradition of Cunningham, Georgia's governor has declared that if he is successful in bringing Cunningham back, the state will renew its efforts to effect the return of the famous Robert Elliot Burns, white, escaped Georgia convict, whose book, "I'm a Fugitive From the Chain Gang," was made into a motion picture several years ago.

Governor Rivers prepared to seek credit clause of the United States and under section 5278 of the revised statutes of the United States.

The federal statute referred to, section 5278, reads:

"Whenever the executive authority of any state or territory demands any person as a fugitive from justice of the executive authority of another state or territory to which such person has fled and produces a copy of an indictment found or an affidavit made before a magistrate of any state or territory, charging the person demanded with having committed treason, a felony or other crime, certified as authentic by the Governor or chief magistrate of the state or territory from whence the person so charged has fled, it shall

Massachusetts' Governor to order the prisoner's return. Governor Rivers stated:

"I have instructed Mr. Duckworth and Mr. Allison to proceed to protect the rights of the state of Georgia under the full faith and

be the duty of the executive authority of the state or territory to which such person has fled to cause him to be arrested and secured and to cause notice of the arrest to be given the executive authority making such demand or to the agent of such authority appointed to receive the fugitive and to cause the fugitive to be delivered to such agent when he shall appear. If no agent appears within six months from the time of the arrest the prisoner may be discharged."

James Cunningham, after having been arrested in Boston nearly two months ago on a lottery charge, was discovered to be the same James Cunningham who pleaded guilty to a series of burglaries in Atlanta in 1924 and was sentenced to serve from 9 to 20 years. It was then that Governor Rivers appealed for his extradition but Governor Hurley refused on the grounds that Georgia's penal system was too inhumane and brutal. Rivers then declared that the Massachusetts governor's stand was "an indictment of Georgia and her sovereign people." Rivers informed Hurley that Cunningham was sentenced from 4 to 17 years on one charge and from 5 to 10 years on the second and that seven other charges are still pending against him.

Hurley replied that "certified documents presented show sentences aggregating 34 to 70 years for the crime of receiving stolen property." Referring to Governor Rivers' invitation to visit Georgia's \$1,500,000 modern prison, Hurley said:

"The good people of Georgia who have brought about the reform in the prison system of that state, which you referred to, are to be highly commended. It is indeed a remarkable step in advance compared to the conditions imposed on Cunningham, much of which was not denied by your accredited agents."

This is thought to be the first time that Georgia has invoked the aid of federal law to obtain the return of a fugitive. Burns first

PAROLED CONVICT ADMITS ROBBERY Youth Confesses Blacking Face for Theater Holdup

BRUNSWICK, Ga., Aug. 24.—(AP)—A youthful paroled convict who admitted blacking his face with shoe polish to prevent recognition was being held by Brunswick police today, charged with the robbery of the box office of a local theater Saturday night. Police chief J. E. Register an-

nounced a man listed as Julius Young, 21, formerly of McIntosh county, had confessed staging the robbery while a group of customers stood outside the theater.

Chief Register announced that \$88 of the \$280 taken from the box office had been recovered and declared Young admitted spending the remainder on a week-end tour to nearby points.

The chief stated Young was previously convicted of robbery in McIntosh county in connection with the holdup of a bus station at Eulonia, and was sentenced to serve five years. After serving one year, Chief Register stated, Young was paroled.

NEGROES CAUGHT A WHITE MAN On the highlands of the road going from Walnut creek toward Clinton are many Negroes who run their little gardens, poultry yards, etc., in addition to other work done to make living better. Recently they have complained that chicken thieves give them much trouble. Only two or three of the chicken yards have escaped during recent weeks. A few nights ago near the top of the hill neighborhood dogs barked furiously, and bayed in a chicken yard. The Negroes went out with their lanterns and found the chickens scattered about the yard, but the dogs had somebody cornered near the chicken house. It was found to be a white man.

"I've lost the road," he said, "and I don't know where to find it. The dogs got after me and I had to run in here." The Negroes showed him the way to the road, a few yards distant.

Crime-1937

Illinois.

ILLINOIS SOLONS KILL "PERSONAL LIBERTY" BILLS

J. H. Jones

6-5-37
SPRINGFIELD, Ill.—(ANP)—
The Illinois House of Representa-
tives, by a vote of 59 to 52, last
week "killed" two dangerous bills,
which in the past few weeks, have
occasioned state-wide discussion.

Falling under the legislative
hammer, were the so-called Fugi-
tive Witness Bill, which provides
for the compulsory transfer of
witnesses from one state to an-
other, and the proposed New Ex-
tradition Act which provides that
even though the accused has never
been in the State in which a crimi-
nal conspiracy is claimed to have
been committed and was not in
the Demanding State on the date
of the crime—he may be extradit-
ed from the State of Illinois and
sent to the Demanding State.

The House Judiciary Committee
had previously reported these bills
with a recommendation that they
"do not pass" by a vote of 11 to
3. Representative Charles J. Jen-
kins opened the debate against
the measures and Representative
Richard A. Harewood also spoke
against their passage.

SERGT. CHARLES BURKETT, CALLED "KILLER," ^{Recorder} TURNS BOTH BARRELS ON SELF FOR SPECIAL WRITER

"I'll shoot them when I tell them to stop and they don't." That is the statement made by Sergeant Charles Burkett of the police department to a Recorder special writer who interviewed him in his squad car in a busy northside street. This officer, who says he has killed four men within the last year, and who apparently takes quiet pride in his deadly marksmanship, is a former eastside grocer. *Indianapolis,*

Called "Killer" because of his record, the sergeant says he tries always to discharge the law. In reply to the question: *Ind.*

Q. How do you spend your leisure?—in target practice?

A. I work hard, doing any kind of hard work on my father's farm. I get in some target practice.

Q. It is said that you refer to colored persons in terms objectionable to them.

A. I don't, and if you bring me the man who said it I'll tell him he's a damn liar. *Recorder*

(If the occasion arises, the man, who told the writer that, will tell the sergeant he is a damn liar—the information was unsought and comes from this man's experience.)

Q. Have any of the men you killed been armed? *5-1-37*

A. Yes, several.

(In the slaying of George Hurt, Benjamin Porter, and in the recent wounding of John Paul our records do not show that these men were armed—and in all cases no resistance was being offered—the men were running FROM the killer.)

"Killer" Burkett, as the boys like to call him, carries himself with the quiet but arrogant swagger of a man who knows he has the law on his side to back his plays. He said No in reply to the question: Is there any reason why you do not like colored people; he added that he shot regardless of race. He tries to make as many friends as possible, and the writer asked if he had many.

The latest victim of the shooting sergeant is young John Paul, 18, 1441 Cornell avenue, who was brought down with a shotgun blast late last Thursday night, as he

was fleeing in a car bearing stolen license plates. Although the car was said to have been stolen, police at last report had not established this.

Young Paul, whose mother had asked him to quit "the gang of bad boys", underwent an operation at City hospital Monday for removal of shotgun slugs. He had slugs in the jaw and arm, and hospital attaches list his condition still as serious.

The sergeant says he does not drink, and leads a quiet unexciting life.



SERGT. CHARLES BURKETT

Crime-1937

Kansas.

LEAVENWORTH SOLDIER SHOT BY OFFICERS

Call

Officer Says J. D. Robinson
Of Leavenworth Re-
sisted Arrest

9-10-37

LEAVENWORTH. — J.
D. Robinson, Tenth Cavalry
soldier, was shot and wound-
ed by Officer A. D. Jackson,
Negro policeman, early
1, at 208 1-2 Shawnee street.

Officer Jackson told authorities
that he had attempted to arrest
Robinson on a charge of drunken-
ness and disturbing the peace, but
that Robinson resisted arrest. He
said he was compelled to shoot
to subdue the man.

The officer called the police sta-
tion and asked that a car be sent
to the scene of the shooting, but
when Officers Arden Rhyne and
Odas White, both white, arrived
at the scene they were told Ro-
binson had been taken to the
police station in a taxicab.

Robinson was ordered taken to
the station hospital at Fort Lea-
venworth where his condition is
reported as not serious.

Eyewitnesses to the shooting
were Carl and Anna Hopkins,
208 1-2 Shawnee street, and Cor-
poral James White, also of the
Tenth Cavalry.

Jennings, La. News
July 27, 1937

THIS NEEDS ATTENTION

The unsavory situation of a negro attacking an officer, not to even mention, a gentleman and a white man, as occurred here last week is not to be regarded too lightly.

Of course, the negro who used his fist on Officer Dudley was said to have been drunk and not too sound mentally, but that does not relieve the situation.

One thing that does need attention however, is the mixup of the races in the negro section of Jennings. While the white section of the city becomes overcrowded, poorer families, crowded out of places to live, have shuffled off to the borders of, if not in the very negro section, itself.

This practice is both degenerate and dangerous and steps should be taken to stop this practice. Negroes have to have someplace to live and up until the last few years, had the big section to themselves.

Now whites are encroaching and the two races have little else to do than to be neighbors. Where the end will be no one knows. Officer Dudley went into the negro quarters to arrest two white men who were drinking there. We have little patience with whites who will go out of their own class and race to drink, or anything else, yet it is being done here in Jennings.

Flareups like the one last week has its direct bearing on whites going out of place, even those whites may have been degenerates. Something should be done about this situation before it goes too far.

NEW SOUTHERN MOB IS SMASHED BY RAID ON ELABORATE LAIR

**Six Nabbed by 50 Posse-
men; Trained Nurse Kept
at Crook's 'Hospital.'**

BATON ROUGE, La., Sept. 10.—
(AP)—A newly formed gang with fantastic ambitions to plunder and terrorize four or more southern states had been shattered today with the killing of its chief, arrest of most of his henchmen and the destruction of an elaborate swamp land hideout which even boasted a trained nurse and a make-shift hospital.

Half-a-hundred Louisiana state police and Federal Bureau of Investigation agents raided the retreat the crack of dawn today and arrested two white men, two white women and two negroes from a cluster of poorly-constructed shacks.

The lawless miniature community is located near Deer park, a lowland section 18 miles south of Vidalia, La. Officers believed the gangsters planned criminal forays into Louisiana, Mississippi, Arkansas and Texas from this base.

Planter is Captured.

Those captured today and taken to Baton Rouge were identified as Robert Graham, 60, cotton grower who owned the plantation on which the hideout was located; Thomas Woodward, 38, wanted in Upsher county, Texas, for bank robbery; Eva Lee Pratt, 26, former student nurse in the Natchez, Miss., charity hospital, and Gladys Stamp, 24. The negroes' names were not given.

The manhunt started last Tuesday when Patrolman Wolff, of Gulfport, Miss., was killed by a man he sought to question about an automobile.

Chief is Slain.

Officers believed this man was "Goldie" Hairston, 33, chief of the gang, whose nude bullet punctured body was found by roadside

near Jena, La., yesterday. State police said he had been taken to the hideout where the nurse treated his wounds and administered a hypodermic. When he died, police said, henchmen took the body 10 miles eastward and dumped it on the road.

Two men of the gang are believed to be at large.

Defendant Says Cops Used Force

After lunch
Kin Held in Jail Until
He Admits Alleged
Part in Hold-up.

6-5-37
WHITE LAWYER UP
AS GANG BRAINS
Pratt's mother
Expect Statement to Be
Barred from Trial.

BULLETIN

WASHINGTON
J. William Tomlinson, white, attorney—once counsel for Gaston B. Means—and Philip John Pratt were found guilty last Friday night by a jury which heard the man described as "the master mind" in the robbery of Sam Siratonis, white, proprietor of a tailor shop at 3003 Fourteenth Street, Northwest, August 18 last.

They face sentences of from three to fifteen years. The jury of ten men and two women deliberated nearly eight hours before reaching a verdict.

A new type of police cruelty was allegedly used to extort a "confession" from Philip John Pratt, 25,

accused of being an accomplice of J. William Tomlinson, white attorney, who are on trial in the U.S. District Court on a robbery charge.

Pratt testified Tuesday afternoon that police arrested his mother, Mrs. Blanche Pratt; his sweetheart, Miss Annie Giles, and his brother, Maurice Pratt, and allegedly held them until he signed the purported confession.

He said the three were taken into custody for questioning shortly before his own arrest in Baltimore, where he had fled when he learned police were looking for him.

He told the court that he was held incommunicado and was not even permitted to see his lawyer after he was brought back to Washington, although he repeatedly asked that privilege.

Detective Sergt. Paul Ambrose, white, asked Pratt to sign a statement corroborating alleged confessions previously made by Charles Henry Bass and Walter Smallwood, accused with Pratt and Tomlinson in connection with the Fairfax Farms Dairy payroll robbery of March 14, 1936, Pratt testified. He added that he refused.

Signed to Save Women

Ambrose then offered to have his mother released if he would sign the statement, Pratt testified, but he again refused. Finally, however, he signed the statement when Ambrose promised to have both his mother and sweetheart released, he declared.

Ambrose at first declined to have both Pratt's mother and sweetheart released, Pratt told Presiding Justice F. Dickinson Letts, but later consented to the proposition and telephoned the women's bureau and had the two women brought to police headquarters.

Pratt said the detective opened the door so he could see his mother and sweetheart and called to the station clerk, "Release them."

The question of whether Pratt's alleged confession was extorted was raised when Assistant U.S. Attorney Charles B. Murray and

Samuel F. Beach, both white, who are prosecuting the case, offered it as evidence. James A. O'Shea, chief counsel for Tomlinson, and Francis Kelly, Pratt's lawyer, both, white, objected.

May Bar Statement

At the close of Tuesday's session, Justice Letts conferred privately at the bench with opposing counsel. The jurist indicated that he would bar the statement.

Pratt, Bass and Tomlinson are on trial for the robbery of Sam Siratonis, white, proprietor of a tailor shop at 3003 Fourteenth Street, Northwest, on August 18. Tomlinson is accused of being the brains of a gang of thugs. The trio went on trial Monday morning.

Bass, who came here from Chicago in November, 1935, unexpectedly pleaded guilty and took the witness stand for the prosecution. He testified that he met Tomlinson for the first time on July 15, in the attorney's car on First Street, Northeast, between I and K Streets.

He said that Tomlinson promised him protection and boasted that he was attorney for Gaston B. Means and stood high with the district attorney.

Tells Robbery Details

Bass said Tomlinson planned the robbery, telling him to take a suit of clothes, which the lawyer furnished, to the tailor shop. While the hold-up was in progress, Siratonis was hit over the head with a blackjack. He and Pratt escaped with the money, Bass testified, and later divided it at Pratt's home. An estimated \$785 was taken from the victim.

Dorsey K. Offut, white, who represented Bass, testified Wednesday that his client told him he made a statement to the police only after Chief of Detectives Thompson and his assistant, Ira Keck, both white, had promised to see that he was placed on probation.

Both Pratt and Tomlinson have indicated an alibi defense. Mrs. Maggie Harrison, Ralph Seaton, and Pratt's brother said he was at home at the time of the robbery.

Crime-1937

Mississippi.

Jackson, Miss. Ledger
February 16, 1937

Laws That Are Unenforced Should Be Repealed Or Amended

The State Supreme court affirms the death sentence imposed on Samuel Williams, Jackson county negro, for robbery with firearms.

Williams broke into a white woman's home at night, threatened her with a pistol, hit her with it, and robbed her of a small amount of money and a rosary. He made a full and voluntary confession, telling where the loot was hidden, after being seriously wounded while resisting arrest, and the victim also identified him positively by his voice and by the glimpse she got of him by a flashlight.

Williams is not the first man to be convicted of this offense and sentenced to death under the state's new law providing the death penalty for it. Two or three others were convicted and sentenced to be hanged but all of them were given executive clemency.

In at least one case, the robbery victim thought the penalty to be excessive and asked for clemency for the robber. Juries, however, as these several cases prove, seem willing to convict under the new law.

The 1938 Legislature will probably consider the law. If it is supported by public sentiment, as manifested in jury verdicts, and seems effective in reducing this form of crime, it should be retained on the statute books. If it has not this public support, or if executive clemency is to be extended nearly all persons convicted and condemned under it, the wise thing to do would be to amend the law.

\$25 Fine For Nickel

BILOXI, MISS., April 1.—(P)—King Hunter, a negro, was fined \$25 in city court for the theft of a nickel from the pocket of a man to whom he had been employed.

Crime - 1937

**10 NEGROES ARE HELD
IN BREWERY GIRL, 14**

ST. LOUIS, Jan. 6.—(AP)—Police of suburban Brentwood held ten negroes today in an investigation of the alleged extortion of about \$2,000 from a 14-year-old white high school girl, Leona Finer, during the past two months.

The girl, a daughter of Mr. and Mrs. Abe Finer, disclosed payment to the negroes when Ben Finer, her brother, told police large sums of money had been disappearing from a tavern he operated.

Chief of Police Fred O. Lain quoted the girl as saying she had been threatened with death by several negroes unless she obtained money for them.

Chief Lain said the girl told him a negro approached her several months ago and handed her a note demanding money and threatening her if she gave any information to police. Lain said the girl became so frightened she did not tell her parents.

Crime - 1937

New York.

Police Brutality Must Go

NOT EVERY CRY of police brutality is based on fact, anybody who finds himself at the end of an officer's nightstick feels that he is the victim of brutality; but certainly the frequent cries coming from Brooklyn cannot be ignored. Police Commissioner Valentine and the Mayor certainly should not ignore the protests against the police in Brooklyn. The most recent case is that of William Dunne. Dunne was walking unsuspiciously with a suitcase; without ceremony three policemen ordered him to open it. He asked why and the police—three of them—proceeded to open him. Just the same, however, Dunne, beaten about the head and face, was held for vagrancy.

Dunne was freed of this charge, but not all those who feel the spiked heels of the police outside are thus lucky inside the court. Most times they pay twice. Not so long ago a Negro couple were almost run down by an automobile. In the spirited exchange of words between the white driver and the Negro husband, the latter reached for a handkerchief (it was a hot summer night). The Negro was arrested, charged with reaching into his pocket as if to draw a gun. The white driver turned out to be an officer in plainclothes, taking an unofficial automobile ride. Yet, despite the circumstances, the man was arrested, fined and warned never to put his hand in his pocket when speaking to an officer. Nobody paid any attention to the fact that the officer in question did not reveal his identity or position until after the Negro pedestrian had put his hand in his pocket.

Police terror in New York City must go. Armed officers beating up peaceful citizens and the courts further punishing the police victims, does not sound like "a land of the free and the home of the brave." But it can, and does, happen here, even two years after the Harlem rioting and the more recent revelations of the Mayor's Commission on Conditions in Harlem.

WANTS PROBE OF RACE CRIME

Negroes in Prison Seen Out of All Proportion

Declaring that "no one can convince me that the Negro is a lawless person by nature," Austin H. McCormick, Commissioner of Correction, urged Mayor F. H. LaGuardia to appoint a commission having "dictatorial powers" to investigate and recommend ways and means of improving the conditions that "make Harlem the worst crime area in New

York City." Mr. McCormick made his suggestion at a conference on the city's social problems, Sunday afternoon, at the Broadway Tabernacle.

The commissioner emphasized that although the Negro constituted only 5 per cent of the city's population, he is responsible for fully 30 per cent of the city's prison inmates, a fact which indicated the seriousness of racial problems in New York.

Says Negro Not Lawless. "But no one can convince me that the Negro is a lawless person by nature. Until we do something definite about conditions in Harlem, we will have and deserve to have the blame

for one of the world's worst crime areas on our shoulders," asserted Mr. McCormick.

A Commission of inquiry, with powers to call upon any government department or agency, or the facilities of private organizations, to aid in ridding the Harlem community of crime and remove the causes thereof, was proposed by the commissioner.

Turning his attention to the evils that to Dixie. One might even speculate on how the young white influences affecting young Mr. MacCormick denounced the 6,000 "dollar clubs" throughout the city as badly supervised nests, and declared "We cannot drive them out, however," because "the young people would simply move them into places further back into the shadows."

"It is not a question of eliminating them, but of substituting something better. We must use the same motives and instincts which have inspired these boys to entertain themselves for higher purposes."

The Digest - -

By FLOYD J. CALVIN

A Judge's Pity — A wave of sympathetic interest swept New York last week as Judge Myles A. Paige

showed compassion to a young Southern white woman, refusing to send her to jail pending the arrival of officials from the South, as had been requested by a North Carolina Sheriff, on the charge that the woman had "abducted" her 3-year old son and fled the state.

Judge Paige, one of Mayor LaGuardia's prize colored exhibits, and the first colored magistrate in New York, took full advantage of the situation and created a very unique and strategic position for himself by being the master of the dramatic technique in human relations. The judge said: "What this woman needs is protection. I will give her that protection." And New York applauded.



Floyd J. Calvin

But what about Dixie. How did the husband feel when he heard that his request to arrest his fleeing wife had fallen on the ears of a Negro, and that that Negro, who was a judge, has made him, the husband, appear the villain before the people of the world's greatest city. The Sheriff of Cumberland County on hearing that not only had his request to arrest the woman had been denied, but that it had been denied by a Negro judge, and that the Negro judge had taken occasion to "lecture" the southern officials, even changing the listing of the supposed crime from "abduction" to "mother love", and then dramatically declared that "mother love is no crime. I will not send this woman to jail. I have children of my own, and I know how

parents feel about these things."

One can hardly conceive anything more embarrassing and humiliating to the Dixie law officers and the rich white business man who probably runs his town, but who, in his one big moment before the nation, was made to sit down and "hush up" by a colored judge on the bench.

Of course to New York, it was all in the day's work of the police court. But it will be a long time before it will be so simple a matter

Smithfield, N. C. Herald
December 17, 1937

SMITHFIELD EXAMPLE

Over in Smithfield, the county seat of Johnston, something has taken place that we approve of very much, and would like to see happen in this city. The frequency with which Negroes are brought into the local court warrants similar action by colored leaders of Dunn, and knowing some of them are embarrassed by the actions of members of their own race we hope they will follow the Smithfield example.—Dunn Dispatch.

Certain Negro leaders of Smithfield have appeared before the city board and asked that the commissioners appoint a kind of law and order board composed of Negroes to work with the regular law enforcement officers in apprehending and bringing to court young offenders of the colored race.

The action was taken after officers had arrested seven Negro boys for alleged participation in a series of burglaries in Smithfield.

Expressing disapproval of the conduct of the youths the committee appearing before the board stated:

"As law-abiding citizens, we feel the urge, more now than ever, to raise the actions of our group to a higher level."

The move, growing out of a sincere desire to help their race, is commendable, and sets an example for Negroes of other towns in North Carolina to follow.

It is not a case of turning stool pigeon and running to the law with information for which they are paid, but demonstrates the highest type of citizenship.

Negroes cannot be judged as a class, but must be considered as individuals. As separate parts of their race they rise according to their ability and on their own merits, but those capable of elevating themselves to a higher strata of society may at the same time do much to encourage development of their race.

Shelby, N. C. Star
January 12, 1937

BAD CUSTOMERS

News that Robert Barnes, one of the two negroes whose feet were amputated while serving terms in a Mecklenburg prison camp, is in jail charged with murder, and that Woodrow Wilson Shropshire, the other, recently got a suspended sentence for attacking an officer, indicates that prison officials had tough customers to deal with all the time.

Of course this does not in the least excuse officials for the neglect which caused these negroes loss of their feet by freezing but it does indicate that officials of prison camps are faced with handling men hard to control and over whom some sort of control is absolutely necessary.

There are two general attitudes towards prisoners and prison matters. One is a completely hard-boiled attitude. The other is one of sentimentality. Both are wrong. At no time must it be forgotten that prisoners are human beings and that they must be treated as such. On the other hand it must always be remembered they are anti-social in their actions and must either be reformed or kept in custody for the protection of the public.

It must be realized by the general public that those in charge of prisoners have serious problems; in many cases camps are undermanned and staffs are underpaid. In the main, we would say, their sins are of omission rather than commission.

Greensboro, N. C., News
January 11, 1937

NEGRO BADLY BEATEN BY WHITE ASSAILANTS

Robert Plowden Says He Was Attacked By Group of Men He Saw On Street.

No new developments were reported Sunday in the alleged assault on Robert Plowden, 27, porter for the Gaston hotel, who was carried to L. Richardson Memorial hospital Saturday night after he had allegedly been beaten up about 9 o'clock by several white men.

Plowden, a negro, told Sergt. D. B. High, of the city police department, that he came abreast of three or four white men at the corner of West Market street and Library place and that as he started to pass one of them said: "Ask that negro." He stopped, and one the men hit him with something, he reported, adding that he knew no more until he awoke at the hospital.

Greensboro, N. C. Patriot
January 21, 1937

'Our Own People' Make Capital Felons. Gill Says

Paroles Commissioner Reports Crime Outstripping Population Growth

Parole Commissioner Edwin Gill, in the first part of a report on 88 capital felons convicted during the last four years, declared that "the crisis in capital punishment continues" and issued a composite picture of "the man on Death Row," which he said was the product of North Carolina society.

The record number of 88 men convicted of capital crimes is no more alarming than the increase in prison population, which amounts to 250 per cent as compared with a population increase of only 43 per cent, he pointed out. The state prison in 1910 had a population of 800 as compared with 2,800 in 1930.

Here is his composite picture of the "Man on Death Row":

1. A native North Carolinian—"of our own people and the product of our own society." Seventy-four of the eighty-eight were North Carolinians, and all but two were southerners.
2. Usually illiterate. Forty-two per cent could not read or write or had no schooling beyond the third grade. Only one went as high as the second year in college.
3. A poor man. Seventy-one appealed as paupers, leaving 12 who did not appeal at all and only five who gave bond. When tried, 60 were unable to employ counsel.
4. Twenty-eight years old. The youngest was 15 and the oldest was 75 years of age. Two were committed to life imprisonment because

they were 15 and 16 years old.

5. In race, usually a negro. Twenty-nine of the eighty-eight were white, 50 negroes, and only one was an Indian. Only one of the 88 was foreign-born, a Bulgarian. With the exception of one case, all were men.

No Negro Discrimination.

"So much has been said about discrimination against the negro race," Commissioner Gill wrote, "that I wish to call special attention to the race of men who were shown mercy by this (the Ehringhaus) administration." He cited the fact out of a total of 29 committed felons, 21 were negroes, only seven were white, and one was an Indian.

"It may be that we are facing a situation of such an extended and aggravated a nature as to constitute a permanent problem," he wrote of the fact that 59 men have been executed during the last four years as compared with 30 during Governor Gardner's term, which was the previous high total. Governor Gardner commuted 25 felons, as compared with Governor Ehringhaus' 29.

Seventy-four Commissioner Gill said his researches indicated "a sudden fluctuation upward in the commission of capital felonies." He said a later report would tell his recommendations concerning the problem. "As this is written," his report said, "the capacities of Death Row have been taxed to a maximum."

Greensboro, N. C. News
January 21, 1937

NEEDLESS EVASION.

As anticipated, Charles Smith, Columbus county negro convict, charged with first-degree burglary last May, has been saved from the death chamber by a reprieve until March 12.

It likewise seems safe to guess that Smith will get a commutation of sentence. Reason for postponement of the death penalty, according to announcement from Parole Commissioner Edwin M. Gill's office, is the discovery of new evidence which is declared to raise "grave doubt" as to the negro's guilt and to show a "possibility that a mistake may have been made in the identity of the principal. It is significant that the sheriff of Columbus county and 12 members of the jury who returned the verdict of guilty are among those recommending mercy.

Aside from these developments, on which the reprieve ostensibly hangs, there is the conviction on our part that the clemency move is further evidence that the North Carolina citizenry does not condone the death penalty for burglary. Almost invariably there is a clemency move, participated in if not initiated by prosecutors, in burglary cases with the decision dumped upon the Governor's office whereas responsibility rests upon the legislature and the courts; the latter, however, having their hands tied by the edict of the former.

What the Daily News has in mind, with the faint hope that the present instance will react upon the general assembly during whose sitting it has occurred, is that the legislative will recognize its responsibility and the public sentiment which disapproves the death penalty for this crime and act accordingly. There is neither sense nor reason in a mandate which is so obviously distasteful and which forces circumvention of the law by piling

duties and responsibilities of a saving sort upon the executive department of the government which, heaven knows, has more than enough upon its mind and shoulders.

Asks White Man To Shine Shoes; Gets Road Term

(Special to Daily News)

Kinston, Jan. 22.—Isaac Bryant, negro youth, will work on the Jones county roads for 30 days because he asked a white man to shine his shoes, said a report from Trenton today.

He was sentenced by a woman magistrate, Miss Lillie McDaniel. George Taylor, who shines shoes in a barber shop, said Bryant approached him and demanded a shine. Taylor told the magistrate that he asked Bryant, "Who do you think I am?" He said he complained to authorities because Bryant cursed him. Witnesses said the negro was sober.

Not the Point

Apropos the report that one of the two Negroes who were kept in stocks at a Mecklenburg prison camp until their feet froze and had to be amputated, has committed another crime since he got out of the toils of the law, *The Wilmington Star* draws the moral:

"Tears are not always shed in a righteous cause."

As an abstraction the statement is true. But it has no pertinent reference to the Barnes-Shropshire case.

The conjecture whether a prisoner will commit an act or acts of crime again, once he has served out his prison term has no bearing upon the manner of treatment the state is obligated to provide him while he is a prisoner.

The primary consideration is that every prisoner is a human being, and regardless of the crime he has committed or may commit, is entitled to due consideration as such.

The type of crime for which he is held, of course, affects the punishment in a way. We do not execute death sentences against prisoners who are charged with a mere misdemeanor. But the difference in punishment is according to the classification of crime. A man who is sent to a prison camp is presumed to receive his punishment, as the court states it, "at hard labor." He works for the state to expiate his crime, and cruel, tortuous and unusual treatment is not a part of the punishment prescribed by the trial court and has no place in American penology.

Greensboro, N. C., News
January 29, 1937

NEGROES' REGARD FOR LAW.

Editor of The Daily News:

Never before in my time was it known that a large group of colored men formed themselves together to go in search for a criminal and bring him in to be tried by the process of law, as in the recent outrage committed by a man upon a 13-years-old girl. The act of the posse in searching for and causing the arrest of the accused rapist brings to my mind two things. First:

Shakespeare, if my memory serves me right, portrays the idea that no man can speak patience or sympathy to a man whose daughter has been outraged save the man whose daughter also has been so treated. "Speak not pa-

tience to you," said an enraged father. "Your words fall on my ears like water in an empty sieve. Bring me the man whose daughter has been outraged as has been mine and if he speak patience to me I will listen." The men of the posse, in their determination to capture the offender and deliver him into the hands of the law, showed not only sympathy for the grief stricken father, but stamped their disapproval upon such crime in demonstrated but orderly sympathy for every man's home, realizing its sacredness and that it, the home, is the world's greatest of all institutions known to man.

Of course the churches of the south side of Greensboro, in what our fathers named Warnersville, are outspoken against crime and disorder; but the second point in the volunteered formation of the negro posse of citizens is their faith in the law's efficacy to deal with the situation. It is only fair to say that "los folicios" have something to do with the manifested interest and sympathy of the posse in the case. The kindness and courtesy of the Greensboro police go a long way in the capture of criminals.

Under Chief of Police Mike D. Caffey, Greensboro has never had a better police force, kind and considerate. There is an atmosphere of pleasing culture among the men. There was a time in the police force of Greensboro when attitudes indicated that it was the belief in large measure that the negro was the chief prey of the police force. This attitude caused colored people to sympathize with, rather than to apprehend, a negro criminal. But now crime is not condoned, or the culprit sympathized with as in cases before.

I know the time when the police office at the city hall in Greensboro was a humming gallery of the word d— nigger. But under the command of Mr. Caffey as chief we never hear it. And the kindly dealing with colored people by Sergeant Skeens and other police, and the culture of all the men of the force, impel a spirit of co-operation on the part of colored people.

And with Chief L. L. Jarvis, whose very carriage portrays a background of culture, further sympathy for and co-operation with the police here seems assured on the part of the colored people.

Law and Order In Negro Settlement Near Tarboro Now Assembly Problem

(Special to Daily News)

Tarboro, Feb. 10.—The only Tarboro official who can make an arrest in Princeville, a community populated mostly by negroes and separated from Tarboro only by Tar river bridge here, is the mayor, according to a clause in the town charter; consequently, the general assembly will be asked to do something about it.

A motion providing for asking the legislature to give Tarboro police authority in Princeville was passed at a meeting of the city commissioners here after Mayor Rawls Howard had facetiously remarked that he didn't have time to police Princeville all by himself.

Princeville, itself an incorporated town, has a one-man police department of its own—a negro—who is responsible only to Princeville's negro mayor and negro board of commissioners. But, according to some of the Tarboro commissioners, he fails to maintain law and order, with the alleged result that certain Princeville filling stations are giving Tarboro a "bad reputation" among visitors who do not know that Princeville is not a part of Tarboro.

If the general assembly acts as the Tarboro commissioners wish, then local police will have power to make arrests in Princeville. **NEEDLESS RESPONSIBILITY.**

Once again the Governor of North Carolina has met the responsibility of intervening to keep a prisoner convicted of first degree burglary from going to the death chamber.

Again and again the Daily News has insisted that the annulment of the death penalty should not be left to the chief executive. He has more than enough responsibility and worries without the needless imposition of a duty which comes only by legislative default.

Indictment of the assembly for leaving the question with him is all the more severe in that his latest extension of clemency, commutation of the sentence given a negro convicted in Columbus county Superior court, follows closely upon a legislative session which had its attention formally called to this needless as.

Public sentiment in North Carolina does not condone death

for burglary, as evidenced by the almost invariable commutation of sentence and the general recognition of what is equivalent to an unwritten law which calls for mercy. Why should the legislature let such a situation continue with the Governor bearing the brunt of responsibility which is inherently its own? Such an indirect method may be the North Carolina way, but it is wholly unjustifiable in the evasion on one side and the imposition of responsibility on the other.

The case in which Governor Hoey has just acted becomes more than a general example; it involves a specific question as applied to Charles Smith, the Columbus county negro who happens to be the principal. The official statement from the Governor's office quotes the prosecuting witness, a woman, in the trial which occurred last year, as saying "There is a possibility that there was a mistake made in the identification of my assailant."

A fine time it is to discover that possibility after anybody has been convicted of a capital crime and lies in the very shadow of the death chamber. What sort of trial did the condemned man have? What happened to the mandate of reasonable doubt in his case? Why wasn't the possibility recognized and developed by the defense then? If doubt as to identification entered into the negro's commutation, why should its effect and influence be left to the chief executive. He end there? Is life imprisonment the answer to an admittedly possible mistake?

Winston-Salem, N. C. Journal
May 15, 1937

Negroes Plan Crime Meeting

Mass Meeting on "Crime and Its Prevention" to Be Held Here Sunday

Furthering the fight of the Negro race against crime, a mass meeting will be held at the Lincoln Theater Sunday afternoon at

4:30 o'clock at which problems of the race will be discussed by a number of the leading Negro citizens of the city.

The program, based on the theme, "Crime and Its Prevention," is being sponsored by the local branch of the National Association for the Advancement of the Colored People.

A nation-wide movement has been started by the association for the purpose of lessening the crime problems of the Negro and also to give them a better education as a preventative against turning toward criminal habits.

The meeting here tomorrow afternoon is a part of this movement and a large number of Winston-Salem residents are expected to attend. The white people of the city are invited to attend and take part.

Leading speakers at the conference will be the Rev. C. E. Norment, presiding elder of the Winston-Salem district A. M. E. Zion Church, and F. W. Williams, prominent attorney of the city.

The Smith Choral Club and the Southern Ambassadors will present a varied program of musical entertainment.

The meeting and the discussions will be in charge of C. A. Irvin.

FIGHT FOR RACE COPS IN DIXIE

Courier
5-1-37
Pittsburgh, Pa.
"Wholesale" Killings In North Carolina Cause Protest By Civic Groups.

WINSTON-SALEM, N. C., April 29 — Following in the wake of the four dollar murder of Jim Williams, 60-year-old basket maker, by Milford Exum, 40-year-old white man, in Goldsboro recently, members of the local branch of the N.A.A.C.P. have begun a fight for the employment of colored policemen here.

Exum, according to Sheriff Paul C. Garrison, confessed to the murder of the old colored man in a robbery April 2, which netted \$4. He is said to have implicated Earl Sasser, 35, another white man in the crime.

The murdered man's body was found in a Johnston county stream several days after the killing.

In the alleged confession, Garrison is said to have told the Sheriff that he and Sasser went to the home of the Negro, forced their way in and used a gun to make the old man open a small safe in which the money was kept.

Last Sunday afternoon the N. A. A. C. P. staged a mass meeting at the Lincoln Theater. The following speakers were heard: Rev. H. T. Weatherby, Mrs. Irma Henry and Carl Brown. Music was furnished by the Smith Choral Club and the Southern Ambassadors.

The chief objective of the meeting was to interest citizens in the organization's fight to obtain Negro policemen in the city and State. Durham, N. C., Morning Herald

April 30, 1937

BURGLARY CAPITAL CRIME

Under North Carolina law first-degree burglary is a capital crime and the penalty is death. But in practice, the death penalty is very rarely invoked in burglary cases. Usually the capital crime feature is eliminated within the trial court and where that doesn't happen imposed death penalties are cancelled by executive clemency.

We don't know whether or not that is the attitude Governor Hoey is going to assume in the case of Tommy Walls, Mecklenburg county Negro, but it appears that his excellency will soon have to decide Tommie's fate.

The state Supreme Court has just overruled Tommie's last appeal to judicial tribunals, holding that the presence of a Negro on the grand jury that indicted Tommie and presence of names of Negro citizens in the jury box refute the claim that Tommie was denied trial "by his peers." And that strikes us as being good law, sound reasoning and common sense.

What does not meet the test of good law, sound reasoning or common sense is the habit we have developed in this state of clinging to a law we are not amind to apply. When some one suggests that the law defining burglary as a capital offense be changed to conform to practice, there is a chorus of noes. The law, it is insisted, is a good one and should be kept on the books. Then when some poor devil is convicted of burglary and sentenced to die, there arises a cry against "killing for burglary." And as we have said, in nearly every instance the condemned burglar is rescued from the death penalty, either by judicial process or executive clemency.

So whereas the opinion in the case of Tommie Walls may possibly establish some useful guide for use in other cases, it is to be doubted that it has solved anything. Certainly it has not ended the fight for Tommie's life. The governor and parole commissioner will be asked to save Tommie from the gas chamber and precedent favors an affirmative response. In which case the Supreme Court review will have been to no avail.

All of which, it seems to us, emphasizes anew some of the whys and wherefores of clogged court calendars and up and down administration of the criminal law.

Too often we are strong for a law until time comes to apply it and then strong for ingenious ways of getting around it.

OFFICER FINED FOR SHOOTING PRISONER

Pittsburgh Courier
Pittsburgh
WILMINGTON, N. C., July 1—(ANP)—In a decision strange for the South, Judge Alton A. Lennon, in Recorder's Court Thursday, found Policeman E. F. Bradshaw guilty of assault with a deadly weapon by shooting Thomas Williams, Negro prisoner, in the back on the night of June 12. Bradshaw was fined \$50 and costs and ordered to pay \$50 to the victim or serve three months in jail.

"I want to reprimand severely all the police officers connected with this case for failing to deliver to the solicitor the reports made by the defendant and defendant's witness. It is plainly an attempt to cover up evidence that should have been given the solicitor," said Judge Lennon from the bench.

"Don't you know that if some Negro had made one statement to police and it was put down in writing, and then he swore to another statement in court, the police would have told the solicitor?"

"I have no apology to make when I say I have less respect for the police department now than I did before. How can the courts believe the officers when reports of their statements to their own chief conflicts with the statements they make in court under oath?"

NOT ALL BAD

RECENTLY Roxboro has been getting undesirable front page notice, and all because of too many loafers and worthless Negroes. Just a short time since and there was a row on what is locally known as Gallows Hill, when a Negro was killed, or rather died soon after the affray, whether from wounds received in the row, or from too much liquor seems to be a mooted question. In any event there was an ugly fight, and there is one less colored citizen now; then last night there was a fight on Depot street in one of the local colored restaurants with the result that a Negro woman was rushed to the hospital, and reports were circulated early this morning that she had died, but this could not be verified as this is being written.

Almsot weekly there comes news of fights, etc., in the colored sections of the town, and these fights are almost entirely among the colored folks, and leaves the impression that our colored citizens are not desirable citizens, and this is why we want to take this occasion to say that such is not the case, for there are some, yea many of our best citizens among the colored race, and they condemn this lawlessness as much as do we.

We attribute this state of lawlessness to the fact that there are entirely too many unemployed among this class, and if you want to get a little job done you may approach a gathering of many and each and every one will tell you they are not at work, but will give some excuse for not being able to work for you. "Idleness is the devil's workshop" and if there is a single man, able to work in this good town and he refuses to work, then he should be taken up for vagrancy and either go to work or else put him on the chain gang.

When Did He Lie?

The state courts face the problem, in the Flowers case, of determining offhand, or at some leisure, as it may turn out, just when the Negro, Leroy Blackman, lied and just when he told the truth. Or, perhaps, they may find it necessary to find out how much truth resided in Blackman's first story, and how much was embraced in his last story.

Blackman was the chief witness in the case against Dr. Ralph Flowers, dentist and magician, who was convicted here several months ago on charges of holding up a dental supply office and robbing the firm of \$700 in dental gold.

He testified that Dr. Flowers planned the robbery and helped him to stage it. He drew five years in state prison, and when some of the details of his story were corroborated by other witnesses the State was able to convict Dr. Flowers also and invoke upon him a prison sentence, which has been stayed by an appeal for a new trial. This appeal has been denied, but Dr. Flowers' attorney has presented in Forsyth superior court a petition for further stay on the ground that new evidence has been uncovered which may justify the granting of a new trial.

This "new evidence" is the new story of the affair as purporting to come from Blackman. The Negro in this story contends that his former "confession" was wrung from him by police who subjected him to harsh treatment in order to obtain it.

Very evidently, Blackman has lied at one time or another? When? In answering this question without prejudice to Dr. Flowers, it seems necessary for us to discover some possible motive the local police might have in beating out of a Negro against whom they already apparently had enough proof to send to prison, information or misinformation that involved a prominent white resident of Winston-Salem.

It is impossible for those of us who are acquainted with the personnel of the Winston-Salem police force to believe that this Negro is telling the truth in the charges he now brings against certain members of that force. We prefer to believe that he told the truth on the witness stand in Forsyth superior court, if he has told it at all.

ON OUR OWN PREMISES. North Carolina has in its own backyard, or maybe it's the front, an exhibition of federal intervention in law enforcement and is apparently for it whole-heartedly.

than the national average, in favor of just such legislation as the legislative breast-beaters so valiantly condemn.

ITS OWN CREATION. Woodrow Wilson Shropshire, Charlotte negro, after losing his

in we'd like to know what would be. The loss of both feet is calculated to drive a fellow to drink, or some sort of solace. An individual who has been as grossly mistreated as this negro has been cannot be expected to have any

Doubtless you are ahead of us feet while in the custody of the respect for the agency responsible for his present physical plight. in surmising that we are re-state two years ago, has developed into a character who apparently cannot or will not stay as ordered, where is he to go and apprehend Bill Payne and Washparently cannot or will not stay who is to look after him and his Turner, escaped convicts, who are out of the courts and that place stumps? He has been mistreated, sought not only because of their in the public prints to which made what he is in Mecklenburg, prison escape but on more serious court appearances invariably lead, and is then dumped by the same kidnaping. G-men have swarmed precisely that we would do with maiming law upon some or any into the state and apparently Woodrow if he were our personal other county.

Woodrow Wilson Shropshire is admittedly a problem; but he is a problem of society's own distasteful creation.

ever on the part of southern would not do unto him as the
statesman of the masses whose state which is responsible for his
sentiment they must think they maiming has done. But let's take
bespeak in shouting to high up his case and look upon his
heaven against the iniquities, the present status under the law
infringements and the impositions which is supposed to protect no
of every anti-lynching measure less than punish citizens who
which is offered in the Congress have their being under it.

The Tar Heel exhibition of wel- The negro, whose feet had to come Washington intervention be amputated after a period of such legitimate steps as their judgment comes directly on the heels of a confinement in one of the "little interest would dictate in having a fact-finding investigation made. similar incident in the deep south, dark houses" at a Mecklenburg And let us say also that if, in the G-men have arrested a Missis-state prison camp and for whose ment, their case is worthy, it should sippi "cotton planter" on peonage mistreatment nobody was ever necessary for them to send off to New charges; and the silence which punished, got back into the courts to secure the aiding services of the comes thundering up from the last October on charges which, ciation for the Advancement of the delta area indicates that the city-as we recall, included drunken- Race. zenry and their usually protestingness, disorderly conduct and re- They should be able easily statesmen not only accept but like sisting an officer. At the time among their white friends in the procedure. he was found guilty; but Judge

Why the legislative honorables J. Will Pless, after commenting should inveigh against sending upon the circumstance that so the power of the federal government had not treated him justly ment against mobsters and so and warning him, however, that calmly accept and approve its this mistreatment nevertheless mobilization against practically gave him no privilege of break- er all other types of offending, mosting the law, suspended judgment.

or which are mild as compared with the noxious lynching custom, always has been and still is completely beyond us. Is it that the southern statesmen do not conceive seizure and doing unto death of a suspected citizen, without due processes of law, a criminal act or that, in their underlying opposition, they have the advancing southern populace all wrong?

A few days ago Shropshire was arrested again on drunkenness and disorderly conduct charges and sentenced in Charlotte city court to 30 days. He appealed, however, to Superior court, where not only was the 30-days sentence sustained but the previously suspended sentence of two-three years was revived and the defendant told that it would be invoked if he did not get and stay

... has been inexorably and unjustified, there should be no barrier against the law having its plain unprejudiced way in the matter.

Some definite light in the way of answer may be given by the Institute of Public Opinion's recently completed survey which revealed 65 per cent of southern voters, or only five per cent less

Woodrow Wilson Shropshire is admittedly a problem; but he is a problem of society's own distasteful creation.

Charlotte, N. C. Observer
November 17, 1937

SHOULD REQUIRE NO OUTSIDE ASSISTANCE.

If the better and more respectable class of Charlotte negroes have the conviction that the shooting of a member of their race by a Charlotte policeman was unjustified, they are not to be condemned for taking such legitimate steps as their judgment and interest would dictate in having a thorough, fact-finding investigation made.

And let us say also that if, in their judgment, their case is worthy, it should not be necessary for them to send off to New York, to secure the aiding services of the Association for the Advancement of the Colored Race.

They should be able easily to find among their white friends in Charlotte abundant sympathy as well as financial assistance to go through with this investigation in the manner they desire.

The sentiment of the white citizenship of this community will resent wanton injustices against members of the negro race and if this particular victim of the officer's gun has been inexcusably and unjustifiably killed, there should be no barrier set over against the law having its plain and unprejudiced way in the matter.

Crime-1937

North Carolina

Durham Negroes Resort to Boycott After Alleged Assault On Blind Man

302 Wachovia Bank Bldg., Fayetteville St.
Daily News Bureau and Telegraph Office
Raleigh, Sept. 23.—Durham

groes living in their own section declared today to a Daily News representative that they made a successful boycott of the H. N. Smith grocery store on Fayetteville road, in resentment of Smith's alleged assault on John Collins, blind negro.

Young negroes carried banners all day and picketed in front of the white merchant's store. The placards bore this story: "Don't buy from this store. White man hit a colored man and map. Can this man stay in Hayti?"

The case was set yesterday for trial, but was continued for witnesses. It is up again next Tuesday. The witnesses against the white merchant, who came to his store, locked it up and went out with apparently no effort to make sales, say he struck the elderly blind negro with the stick which the afflicted citizen "sounds" his way over the streets. There was quite a bit of feeling yesterday and the day before, but the boycott idea seemed effective. And just as union workers may be found picketing New York streets any time in protest of "unfair" employers, so did these young fellows walk up and down Hayti, calling on the trade to desert the white merchant.

He could not be seen this afternoon to verify a report that he is selling his property. The circumstance did not interest the neighboring business men, nearly all of them negroes. They think any success to Smith will have a hard time. They think he will not enjoy the court episode.

The local newspapers do not seem to have heard of the boycott, but the negro weekly, highly race conscious and very dogmatic in its dislike of white things, is due to go to town tomorrow in its regular issue.

A DANIELISH JUDGMENT.

The Daily News has not always been overly-tender in its treatment of Superior Court Judge Henry A. Grady, but it does not feel out of character in presenting a bit of commendation when it deems such due a jurist who often

seems just as fallible as a layman.

Down at Wilmington last week Judge Grady continued a prayer for judgment on condition that W. H. Batson, operator of a bathhouse at Carolina Beach, pay the costs of the case in which he pleaded *nolo contendere* to a charge of involuntary manslaughter, provide the funeral expenses of Charlie Harps, negro cafe cook, and by September 1 of 1938 pay \$1,500 to the estate of his victim.

There was nothing to indicate any sort of viciousness on the defendant's part. He had gone to sleep at the wheel of his automobile was his own admission, and nothing else seems to have been out into the record against him.

Accepting this at its face value there seems to be no point in imposing a prison sentence if he can and will make a reasonable attempt to repair the damage his carelessness—one really must be held responsible for napping under such circumstances—did Harps' family.

WHITE MAN IN FIGHT

WITH NEGRO IS FINED

Judge Criticizes White Residents Who Go Into Negro Section For Whisky.

MORPHIS BOUND OVER

Sharply criticizing the practice of some white residents of the city for going into the negro sections for whisky or other purposes, Judge Earle Rives in municipal court Friday dismissed a charge of affray with deadly weapon against Roland Cotton, negro, who was involved in a fracas with John Newman, white man, a few weeks ago. Newman was

found guilty of assault and was given 60 days on the roads, suspended upon payment of costs.

Newman testified Cotton cursed him when he asked for the return of some money belonging to him which Cotton had lost in a dice game. Both had had drinks previously, it was stated.

NOT FAR ENOUGH.
A current report from Raleigh should go considerably farther than the chapter written to date.

We have reference to the story of a negro woman, Rebecca, who called in the chronicle, who according to capital correspondence to afternoon newspapers of the state, went to the executive mansion to see Governor Hoey about the release of her husband from state's prison where he began a 20 to 25 years sentence two years ago for the slaying of another member of his race. Here is the crux of the article, however, which is responsible for this editorial effort:

Rebecca wanted him out. She needed her spouse. And so she went to see the lawyer, who, she told the governor, assured her if she would pay him a fee—to be paid in small installments—he could get her man paroled almost at once. She paid and paid and paid, but nothing happened. She didn't know that nothing could happen because her husband wasn't within several years of being eligible for parole.

It is further chronicled that the Governor set her straight by telling her of this ineligibility and then proceeded to take the name of the lawyer whom she charged with having accepted a fee to do something which he knew he could not do and having kept her paying and paying on the installment plan.

Surely there is no point or justification in stopping there. How true the woman's story is we do not attempt to say; but there is no particular reason to believe that she would deliberately create that part having to do with the lawyer and recuring payments for a service which could not be rendered out

of thin air. The alleged offender is a lawyer. Governor Hoey is a lawyer. Both are presumably members of the North Carolina Bar, Inc., which, as we recall, has declared long and vehemently against unethical and indecent practices and in its closed operation and control of the legal profession is indeed in position to do something about these offenders.

If the story and the name now in the Governor's hands should not go to the grievance committee investigation and punitive action accordingly, we're of the opinion that the next declaration of the legal brethren anent professional purity ought to freeze in their throats.

Close Store Following Beating Of Blind Man

Special to Journal and Guide
DURHAM, N. C.—Incensed over the alleged beating of a blind man by a white store owner here, residents of this city last week set up picket lines around the business on Fayetteville Street in the heart of Hayti main residential section for our group.

The blind man, John Colley, was reported to have made some remarks to T. D. Smith, owner of the store, which Smith termed "insulting."

Witnesses charge that Smith grabbed the blind man's cane and began beating the sightless victim about the head. A crowd quickly gathered and Smith hurriedly summoned police. The store operator charged that someone had let all of the air out of his automobile tires. Race filling station operators in the city refused to let him refill the tires at their businesses, and Smith was forced to drive several blocks on rims.

The next day, several youths bearing signs reading "White man hit a blind Negro with a stick. Don't trade here" and "Can this man remain in Hayti?" began picketing the store. Smith was forced to close his doors for lack of business.

The store remained closed all

the civilizing qualities of tolerance, open-mindedness, understanding, and intelligent regard and respect on the part of such groups for the rights of every other group—that is the vital task before the American people.

The speaker pointed out that America is rich because "each minority group has been a bearer of gifts," announcing at this point that he was presenting the Negro, not as "a receiver," but as "a helper; a giver; a contributor to America." And those who are shocked

week. In the meantime police lodged assault charges against the grocer, who was released under a \$50 collateral bond pending his trial on Sept. 29.

Tarboro Faces \$10,000 Suit For Brutality

As Result of 5c Larceny

(Special to Journal and Guide)

TARBORO, N. C.—The City of Tarboro may be named defendant in a \$10,000 damage suit, to be instituted by M. S. Lee, white, as a result of alleged police brutality on the person of a man known as "Teenie" after a disturbance arose over the alleged non-payment of a five-cent bottle of soda at a filling station last Saturday afternoon.

"Teenie" was said to have been driving a fish truck which stopped in front of a carriage works. He

and Lee are alleged to have or a club was used to enforce the law. At Police Headquarters, the contents and driven away with alteration were attended by a physician. Later, it is said that charges against the police were brought against the Ruffin answered the call. Setting man for medical attention received cut in instant pursuit of the al-and other items incurred as a result of the arrest. The Chief of the Police allegedly condoned the attempted to arrest "Teenie." The latter man is accused by the arresting officer, upon which saying, in sum, that Ruffin did "his

found guilty of assault and was of thin air. The alleged offender given 60 days on the roads, suspend-is a lawyer. Governor Hoey is a lawyer. Both are presumably

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For Brutality

11-13-37

\$10,000 Suit

Harboro Faces

noted

101 Blaine,
James T. Smith
As Result of 5c
Larceny

(Special to Journal and Guide)

TARBORO, N. C.—The City of Tarboro may be named defendant in a \$10,000 damage suit, to be instituted by M. S. Lee, white, as Smith was forced to drive several blocks on rims.

The next day, several youths result of alleged police brutality on the person of a man known as "White man," were arrested.

The store remained closed all day.

and Lee are alleged to have ordered a bottle of Coca Cola, drained the contents and driven away without paying for the drink. An attendant notified police the nickel larceny and Officer Mark of Ruffin answered the call. Setting out in instant pursuit of the alleged culprits, Ruffin supposedly attempted to arrest "Teenie." The latter man is accused by the officer of resisting arrest, upon which

A THOUGHT

These things I command you that ye love one another.—John 15:17.

It is the duty of men to love those who injure them.—Marcus Antoninus.

Justice Triumphs Over Sheriff, Jury, and Law

Governor Clyde R. Hoey, unable to make up his mind about the guilt or innocence of a condemned negro whose attorneys had appealed the death sentence pronounced by the late Judge Thomas J. Shaw, asked a group of five newspaper reporters to study the case, promising to commute the sentence or not commute it according to the reporters' findings.

The reporters agreed unanimously that the death sentence was unjustified, and recommended commutation. The governor immediately commuted the sentence.

As a preliminary observation we would like to pay superlative tribute to Governor Hoey's originality of action in this case. If not unprecedented, it was assuredly most unusual. Even if it is never repeated, or if its equivalent never sees the light of day, Governor Hoey commands our highest respect for utilization of a novel device which in one case at least has plastered the stigma of injustice upon the machinery of the law to the end that justice has been vindicated in spite of the law.

But aside from the admiration due our governor, aside from the abstractedly trivial matter of decision between life and death for an obscure individual, this case has demonstrated something which is of immense significance, something which will figure largely in the jurisprudence and penal routine of the future if the administration of American law ever approximates the abstract ideals of justice towards which it has been waveringly aimed through generations which have sensed uneasily the substitution of complexity for progress.

The case is sure to attract wide attention; as an individual action it is just as sure to elicit general commendation. Our greatest hope is that it may be the beginning of something more; that it may not flash into headlines for a day and then be forgotten.

In detail it deserves the earnest study of every lawyer in the land whose vision reaches beyond his fee; for the indirect influence it might have on the administration of justice it also merits the contemplation of every citizen interested in the workings of "the law."

The case under discussion is that of Brady Laurence, 22-year-old negro convicted of the murder of a white man in Iredell county. After his conviction the circumstances of the case were such that Judge Shaw recommended the mandatory death sentence of the court be commuted by the governor. Members of the jury opposed clemency, and the solicitor declined to make a recommendation.

The law had taken its course up to the point where the state was about to kill a man under the law's mandate.

Disinterested citizens appealed to the governor for clemency. His investigation apparently placed him in the position of being willing to take some action but being, at the same time, unwilling to act against the opinion of the jury and the sheriff and the solicitor's indifference.

Instead of tearing his hair over the problem and sending out press notices about how his tragic responsibilities weighed him down, as other governors in times past have done, he called in five disassociated and disinterested newspaper men and said, in effect: "Boys, I'm up against it; dig into this thing and tell me what is the thing to do; I will abide by your decision."

The newspaper men, not interested in running for office, not caring a tinker's damn about the next county election, racial prejudice, or anything else in the locality of the crime, went into a huddle, got at the facts, and handed the governor a unanimous decision to the effect that the negro's death sentence should be commuted.

Thus, five newspapermen without any legal authority in the world, not nominally "learned in the law," and not "duly elected" by the people, at one fell swoop wiped out the findings of a constitutional jury, and elected law enforcement officer, and the letter of the law of the state of North Carolina.

Our point is simply the firm conviction that no thinking citizen of North Carolina will fail to believe that the penalty which Brady Laurence will pay to society under the informal edict of five newspapermen is a nearer approximation of justice than would have been the penalty he was to have paid under the mandate of the law and the routine turnings of the wheels of justice.

It is not that the newspaper men are necessarily wiser, more discerning, more humane, or more enlightened in any way than the police officer or the members of the jury whose findings they unanimously reversed.

The question of prejudice aside, it is probably that the newsmen had a better opportunity to exercise unhurried, unbiased, academic intelligence, whereas the sheriff in-

volved must have regarded the matter as just another felony among a great number of felonies, the jury just one more crime in a long list of crimes keeping its members away from their homes and own affairs, and the governor just another troublesome item among hundreds of similar troublesome items.

It is our honest opinion that the constitutional "fair trial" in North Carolina has come to be lost to reality in direct ratio with the increase in criminal dockets, and with the "speeding up" of the machinery of jurisprudence.

The Laurence case shows in a startling way just how conclusively simple and honest search for justice by qualified but disinterested parties can come to a conclusion which is the complete reverse of a legal conclusion reached by due process of law. In demonstrating the divergence between the law on the one hand and common conception of justice on the other in this one case, it gives ample foundation for speculation as to how many thousands of cases may be disposed of by the courts of North Carolina each year in a manner in direct opposition to what would be their outcome if they were left for determination to informal justice of the kind Governor Hoey called to the assistance of Brady Laurence?

It is a depressing thought.

Crime-1937

Ohio

CRIME RATE

Showing Sharp Rise

TION, BUT NEGRO ARRESTS AMOUNTED TO 40.7 PER CENT OF THE TOTAL ARRESTS, AMES EXPLAINED.

IN CINCINNATI, DIRECTOR OF SAFETY REPORTS.

8-24-37
Abnormal In Murders, Robbery, And Assault, He Says — Public Is Held Responsible.

A HEAVY INCREASE IN CINCINNATI'S CRIME RATE IS SEEN BY JOHN D. AMES, CITY SAFETY DIRECTOR, WHOSE ANNUAL REPORT WAS RELEASED YESTERDAY BY CITY MANAGER C. O. SHERRILL. AMES FOUND THAT CINCINNATI CRIME IS ABNORMALLY HIGH, COMPARED WITH OTHER CITIES, IN MURDER, ROBBERY, AND ASSAULT, WITH 30 PER CENT OF THE OFFENDERS IN THESE CASES BEING NEGROES.

AMES DECLARED A NEED FOR A LARGER POLICE FORCE, BETTER PROBATION AND PAROLE PROCEDURE, AND BETTER SOCIAL AND ECONOMIC CONDITIONS FOR NEGROES.

ALTHOUGH THE POLICE PLAY A BIG PART IN CRIME PREVENTION, "EXPERIENCE HAS PROVED THAT CRIME PREVENTION USUALLY RESULTS FROM A COMBINATION OF COMMUNITY ACTIVITIES, SUCH AS SCHOOL PROGRAMS, BOY'S ORGANIZATIONS, CHILD GUIDANCE CLINICS RECREATION PROGRAMS, JUVENILE PROGRAMS SPONSORED BY POLICE, AND COORDINATING COUNCILS," AMES ADDED.

LACK OF PROPER ATTENTION TO SOCIAL AND ECONOMIC CONDITIONS OF NEGROES IN CINCINNATI IS THE DIRECT CAUSE OF THE HIGH RATE IN MURDER, ROBBERY, AND ASSAULT, AMES SAID. MORE THAN 80 PER CENT OF THE OFFENDERS IN THESE CASES ARE NEGROES, HE REPORTED. IN 1936 THE NEGRO POPULATION HERE WAS 12 PER CENT OF THE TOTAL POPULA-

Citizens Criticize Local Police For Shooting Youth

By CLARENCE L. SIMMONS
CLEVELAND, O., Aug. 5.

(ANP)—Although it was later discovered that youthful Limmie Kennedy, 19, of 2833 East 75th place, had a police record, the citizens here are "het" up because of the action of Patrolman Sam Wolf and Joseph Prucha, who, according to their own record, shot and probably fatally wounded Kennedy early last Sunday morning about 1:15 in the vicinity of East 79th and Avrina avenue.

Kennedy was shot and wounded when he made a dash to flee the officers as they approached a Ford coupe that he was occupying with two other boys, James Hawley, alias Howard Hawley, 21, of 1482 East 66th, and George Ozdinski, 14, of 7717 Holton avenue, both white.

The citizens don't credit the police story of the crime that is marked "justifiable shooting," because it has, apparently, become a habit to use quick triggers with defenseless lads as well as grown-ups in this community. Not either of the three youth claim ownership of a pair of pliers found near the spot where Kennedy fell after being wounded in the shoulder.

These pliers, they said, fell from the wounded youth's hand before he fell. It was his drawing them from his pocket that prompted the officers to shoot him, although the boy was shot in the back. The bullet, according to hospital attaches, may have penetrated his lung.

Fight to Save Negro From Return to the Chain Gang

A dramatic legal battle to save a Brooklyn Negro janitor from death on a South Carolina chain gang opens this morning in the 5th District Magistrates Court, Williamsburg Bridge Plaza.

With Gov. Lehman promising to withhold action of extradition papers requested by South Carolina authorities, a battery of lawyers will go into court this morning to take first steps to stop the separation of Louis Doe, 38, of 671 Wiloughby St., a Negro building superintendent, from his wife and 12-year-old son.

Southern chain gang officials seek to put Doe, who is seriously ill with stomach ulcers, back in iron shackles on a South Carolina chain gang for the alleged robbery of a suit of clothes from Aiken, S. C., department store back in 1921.

Through a ruse Doe, who is known to all his Brooklyn neighbors as a respectable citizen, was induced to plead guilty to the theft and sentenced to three years on the chain gang.

The law of the whip was too much for him and he escaped four months later in December, 1921.

Fifteen years later in May, 1936, he was captured in Orlando, Fla., and quickly sent back to the iron ball and shackles in South Carolina. But again he eluded the guns of the guards and blood hound chase in November, 1936 and came to New York.

GETS JOB HERE

He got a job in a Brooklyn building as a superintendent and quietly got word to his wife and boy to come here. The family has been living here since with Doe earning a modest living as a janitor.

Two weeks ago the long arm of the South Carolina chain gang reached out to Brooklyn and the Southern authorities had Doe arrested once more, requesting his extradition to finish his term of sweat and blood on the rock pile.

His honesty and hard work here brought him quick aid from his employer, who bailed him out, and from his friends, who enlisted the aid of a lawyer, Rebecca Brechner. A hearing was set for this morning.

Miss Brechner meanwhile enlisted the aid of the International Labor Defense. Two I. L. D. lawyers—Louis Fleischer and Barney Rosenfeld—sent an appeal to

Gov. Lehman urging him to withhold any action for the extradition of Doe until they had exhausted legal steps to keep the Negro worker with his family here.

RETURN MEANS DEATH

Gov. Lehman replied last week with a pledge to refrain from signing the South Carolina papers.

Meanwhile investigation of the Doe family showed that the father was very sick and return to the chain gang would mean death. Medical attention had previously been refused Doe by the gang captain and his present condition is considered so dangerous that return to the South would mean certain death.

This morning in court Doe's lawyers will ask an adjournment to allow them time to apply for a writ of habeas corpus in the Kings County Supreme Court on Wednesday. They are applying for the writ on three grounds:

1. Doe's return to the chain gang may result in his death.
2. The Grand Jury indictment of Doe in 1921 was illegal because Negroes were barred from the Grand Jury panel.
3. If Doe is given a new trial, he will not get a fair trial.

Crime-1937

South Carolina.

Columbia, S. C. State

January 27, 1937

**"WHITE SUPREMACY" AT THE
WRONG PLACE—WHY?**

Some facts are just plain facts. Other facts are puzzling, complicated. We cannot explain them, but would greatly appreciate a satisfactory explanation.

According to Richland county's assistant jailer, quoted in The State yesterday, 17 years ago there were 19 Negroes locked up in the county jail to every white man. So far as the jail population is concerned, therefore, the Negro supremacy at that time was most striking. But it seems that the black boys have been slipping or the white boys have been making extraordinary efforts, for the ratio of jail inhabitants is now maintained, according to the same authority, at approximately 13 whites to 7 Negroes.

That, we submit, is a change that might be termed, without exaggeration, startling. Startling, that is, for the whites, who have all the best of the division of educational opportunities in our public schools, and all the best of any attention which may be given through "social service"!

No records are kept of such things, so these questions cannot be answered, but the state should know whence come these white prisoners who have so outstripped the Negroes in their race for the county jail. Are they South Carolinians? If so, for how long and to what purpose did they attend the schools provided by the taxpayers at great cost?

Or were they the "beneficiaries" of South Carolina's unique school system? Do we hear a lawmaker deny the uniqueness of our school system?

If it is not unique it should be, for surely no other state in the union of relative population and poverty takes from the taxpayers between fifteen and seventeen millions a year for schools, and then leaves it optional with the children or their parents whether they will attend.

Some one may arise in protest pointing to some alleged act for compulsory attendance. Better not, for it is one of those fraudulent, dishonest things of which honest men and women should be ashamed. A law, without real provision for enforcement; a law promising something and knowing the promise is a sham! And why is it a sham? We do not know for a certainty, but strongly suspect that it is because Mr. Bill Voter, Mr. Tom Voter, and Mr. Jack Voter have children who are useful around the place, and the parents object to their going to school except when and if there is nothing else for them to do. And we wonder how many of those whites in the jails are Bill's, Tom's and Jack's children?

Remember, that where a million dollars is spent on schools for whites only some scores of thousands are spent on schools for Negroes. Now, if the results be measured by the jail populations the argument cannot be said to support heavy expenditures for education. However, that would not be a fair measurement. The fact is that, poor as they are, Negro schools are well patronized, while opportunities offered to all white children, are ignored by many of them.

All those having responsibility for teaching the children know what is being missed by them; and they also know that a compulsory attendance law with teeth, and intended by the

legislature to have teeth, is a vital need in South Carolina.

Chester, S. C., Reporter
July 12, 1937

White defendants were far more numerous than colored ones at the general sessions court in Chester last week, a condition that came about 15 or 20 years ago, and has continued almost uninterruptedly. In York county the June report of the Magistrate at Rock Hill shows that 35 persons appeared before him for trial, 22 white and 9 colored, while at Fort Mill out of 18 defendants haled before the Magistrate the ratio was 16 white and two colored. These figures would seem to prove that the colored people are decidedly more law-abiding than they used to be, and the whites decidedly less so, a fact that is generally known, and not stated as anything new.

Jail Break in South's Prison Of Forgotten Men Predicted

Overcrowded Civil War Structure Blamed for Desperate Attempt of Convicts to Escape—Many Die in Breaks

(Special to the Daily Worker)

COLUMBIA, S. C., Dec. 13.—Three years ago in a special message to the South Carolina Legislature Gov. Olin D. Johnston declared: "Unless funds are provided to improve conditions at the state penitentiary we may some day shoulder the responsibility for a prison riot that will shake the nation."

Yesterday Governor Johnston saw "a five-year sentence in our penitentiary is virtually a death sentence," He was correct in his statement, but those who benefitted from the Blackwood policy were only those who could pay the price. The cumulative effect of Blackwood's policy of easy pardons for wealthy malefactors and Johnston's policy of no pardons has left a prison jammed with forgotten men, living under conditions not much better than death. Desperation under such circumstances is not hard for those familiar with conditions in the penitentiary to understand.

Desperate attempts to escape from the South Carolina penitentiary are no new thing. Yesterday's was merely more sensational than most.

Yearly two or three prisoners are drowned in attempts to swim a canal which skirts the south wall of the prison. A few years ago five Negro prisoners leaped from the wall into the canal part of an abandoned lock system on the Broad River through which the muddy water flows like a millrace and all were drowned. In more than a dozen such attempts in the past five years only one prisoner is known to have reached the opposite bank alive.

And still men take the frightful chance.

The reason lies on the inside of the mouldy brown walls. No important addition to the building has been built since the Civil War. Some of the buildings inside the enclosure have been standing since 1845.

OVERCROWDED

The prison was built to house 800 prisoners. For the past ten years the prison population has exceeded 2,000 and has ranged as high as 3,000.

Back in 1935 when Governor Johnston was pleading for an appropriation to match a Federal grant to build a new prison, he reported that more than 18 per cent of the prisoners were suffering from tuberculosis in advanced stages. Venereal disease was rampant. A contagious skin ailment affected virtually every prisoner.

Johnston succeeded the late Ibra C. Blackwood who was notorious as a pardon racketeer. In mitigation of his foul record in dispensing pardons for cash, Blackwood once said

NEGRO SENTENCED FOR GROCERY THEFT

Judge Harsh Sets Term of
George Brock at 4 Years

The grocery problem for the next four years was taken care of for George Brock, negro, yesterday by Judge Tom W. Harsh when he sentenced him to that length of time in the penitentiary for stealing \$30 worth of edibles from a Liberty Cash Grocery at 1895 Lamar.

Ralph Turley, charged with buying stolen property in the form of \$200 worth of engine parts looted from the Anderson-Tully Lumber Company, won a directed verdict of not guilty before Judge Phil H. Wallace.

Ben Hemingway, tried in the same court, took 11 months and 25 days for stealing a watch and \$10 in cash from a Sinclair Oil Station owned by Ben Mokowsky.

VAGRANCY EXCUSE KILLED

Officials Will Change Charge

Hereafter to Loitering

Police yesterday semi-labeled the vagrant's dollar.

Hereafter, worth a cent as an excuse—but is still valued at par for paying a loitering charge.

Men arrested for vagrancy prior to yesterday's change had to be released if they could prove a visible income. The law said so.

Commissioner Davis, Judge Boyd and Inspector Richards conferred to plug the loophole. The plan to docket for loitering instead of vagrancy was evolved. Now a fine as high as \$50 may be assessed, income or no income.

ACCORDING PROPER PROTECTION

PATROLMAN "BID" ANDERSON, employed by the taxpayers of Knoxville to protect their property and their lives, while under the influence of an intoxicant, pounced upon a helpless and inoffensive Negro youth, for no cause whatsoever. The industrious young Negro boy was enroute to his place of employment early one morning last week when the husky policeman pounced upon him, pulled his pistol, and chased the boy who had to flee for his life.

So dastardly an act was not condoned by the many well known white business men and women who were about their places of business early that morning; nor did such reprehensible conduct of the officer meet the approval of heads of the city's public safety department.

When the officer finally reached city jail with the trembling boy in custody, instead of placing the youth behind the bars, according to observers, the officer was incarcerated on a drunk charge, himself.

Charges were promptly filed against the patrolman, with Director Harry Burke, and at the hearing, a four months' suspension was meted out, along with additional penalties. Director Burke's decision was timely and proper, but not sufficient in view of the flagrantly irregular conduct.

It remained for City Manager George Dempster to properly and justly handle the matter. The officer appealed from Director Burke's decision, and when the case reached City Manager Dempster, he not only sustained the director's decision, but he ordered the immediate dismissal of the officer from the city's service.

Such is exactly right, and the fearless and just manner in which the city manager acted meets the approval of all justice-loving, right-thinking citizens.

This marked the second time that this very same officer resorted to unwarranted abuse of inoffensive Negroes, and it is reported that other citizens have suffered at his hands.

The situation has reached the point when citizens must seek protection from these very same officers who are paid to accord them protection. Not only as concerns certain policemen, but several deputies-sheriff, AND NEGROES, at that, are unduly zealous, as they feign "enforcing the law."

More determined action must be adopted as exhibited by City Manager George Dempster—

Clarksville, Tenn., Star

July 8, 1937

TAXING THE DEFENDANT

Edward Hull Crump, Shelby County political czar, the other day took occasion to criticize Shelby's only woman magistrate for assessing \$7.30 in costs against a Negro defendant found guilty of stealing a sack of meal. The man, he said, was the father of 16 and stole the meal to feed his children. He stated he hoped the matter would not have a re-occurrence in the woman's court.

The man's fine was \$3, less than half the costs. This makes it appear that there is something wrong. But the error was not that of the woman magistrate.

The error is in the code of Tennessee, the law of the state which sets all court costs, which no judge can vary.

In fact, we are informed on reliable legal authority that the woman squire stepped beyond her legal powers in fining a defendant charged with petit larceny, which is a grand jury offense.

Chattanooga, Tenn. News
August 28, 1937

Negroes Urged To Reduce Homicide Rate

A statement deploring the bloody outbreak of murders and killings among Negroes in Chattanooga over the past two week-ends, and an appeal for them not further to mar the "good record made in reducing crime this year," was issued Saturday morning by the Rev. N. D. Morton, presiding elder of the North Chattanooga District of the A. M. E. Church and chairman of the civic committee of the Interdenominational Ministers' Alliance.

"Our homicide rate is far behind that of last year this time, and we certainly deplore the sudden outbreak over the past few weeks, when six of our people have met death and others maimed and injured at the hands of one another," the statement said, "and we want our people to look in another direction and not keep this up."

The Rev. Morton pointed out that the big reduction during the Summer thus far has been due to the activities on the eight colored playgrounds and the lighted softball field at Lincoln Park.

"Too much cannot be said in praise of the fine steps toward helping our citizens. These activities have given our people wholesome outlets for their pent-up energy, and the softball games have nightly, except Sunday, taken from the streets of Chattanooga between 3,000 and 5,000 people, some of whom would be elsewhere studying mischief between the hours of 7 and 10:30 o'clock, and we appeal to the ministers and other civic leaders to help put a stop to this reaction that is suddenly cropping out."

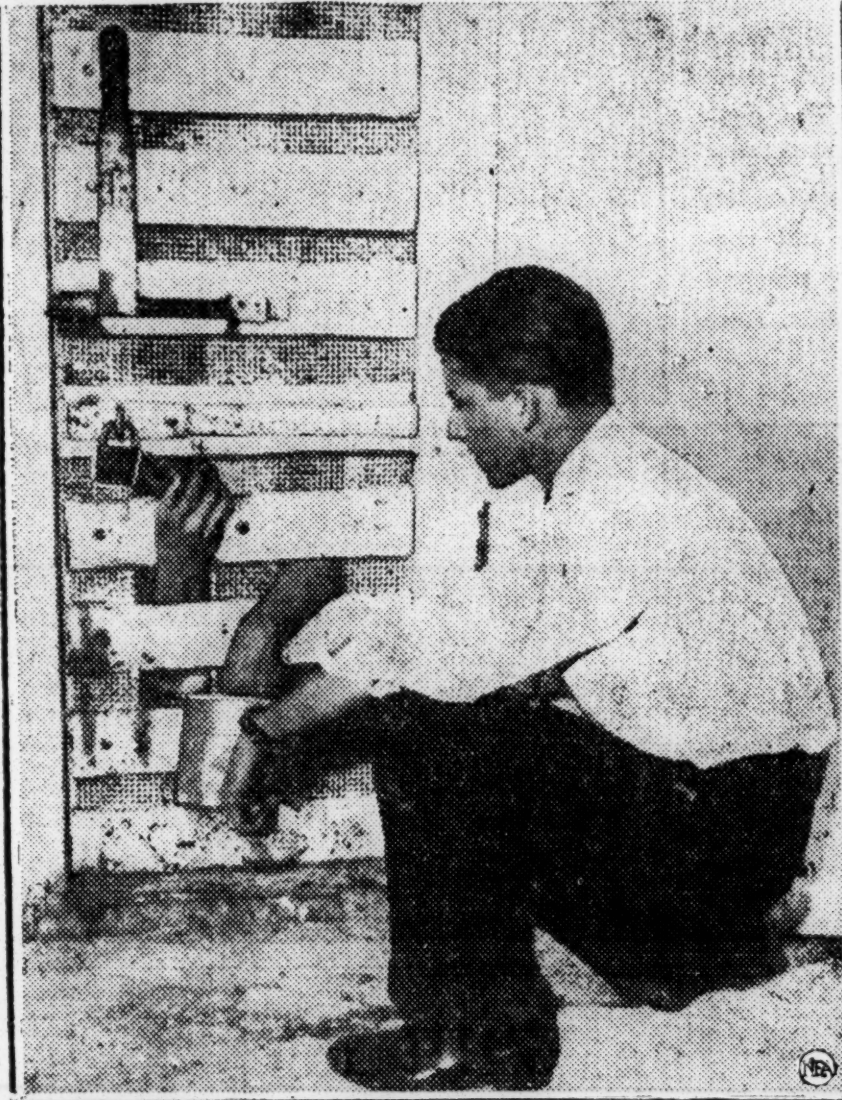
Last week-end three Negroes met death, two stabbed and one shot by members of their own race within a period of forty hours, and a Negro woman was killed Friday according to police records.

Tennessee's Prison 'Dungeon' Attacked

Officials Aroused Over Sharp Criticism Pouring In From Nation



This is how the prisoner sleeps in the "dungeon." On outer door, right, are seen the air holes and a chain that fastens to the hasp at extreme left. Only the inner door, with handle, is closed unless prisoner is too unruly.



Corn bread and water taste good after confinement in the "dungeon" at Chattanooga. This prisoner reaches through two holes cut in the barred, screened inner door. Through a third hole, by the lock, he feeds himself. Three times daily the prisoner takes meals in this fashion.



It may be midday, but darkness is falling for the prisoner inside as the outer door, which shuts out light, is swung shut. It will be double locked and the chain will be drawn around as a triple safeguard against escape.

By NEA Service.

CHATANOOGA, April 12. — Tennessee, already famous for its evolution trial and recent child marriage, has received another load of brickbats.

From indignant persons came protests against the new above-ground dungeon or "stand-up cell," in use here. A widely circulated picture of the confinement brought remonstrances streaming into the office of civic authorities.

"I'm ashamed that Tennessee is still in the dark," wrote one irate New Yorker. "Chicago lady called it 'outright barbarism.' From Des Moines, came the comment: 'There must be something to that monkey theory, after all.'"

The dungeon is a tall concrete affair, standing about 10 feet high and about four feet wide. It resembled nothing more than an oversized electric refrigerator. Its walls are six inches thick.

The cell stands behind the county workhouse. When a recalcitrant prisoner refuses to work or grows sullen, he is slapped into solitary confinement.

The dungeon has two doors. The first is heavily barred and screened. A small amount of light filters through. It has three holes through which the prisoner can eat.

If he persists in his rebellion, the prisoner finds the outer door clanging shut in his face. It excludes every particle of light. The only air

available comes through three holes in the top and six in the outer door.

The cell has no seat, no cot. Thus, in complete darkness, standing or sitting on the cold concrete floor, the prisoner contemplates his future. He is released whenever he yells out to guards that he is over his miniature rebellion.

In no case, officials pointed out, is anyone confined longer than three days and three nights.

"It's mighty tough sleeping in there, though," officials admitted. Corn bread and water are passed to prisoners three times a day through the grilled slots of the inner door.

But, while the protests and charges of "inhumanity" mounted, County Engineer E. G. Murrell, who has charge of county penal institutions, stoutly defended the cells.

"Our law doesn't permit whipping of prisoners and when they get mean, something has to be done with them," he declared. "We've found that about eight hours in the cell puts them straight again."

"There's nothing very inhumane about the treatment. It's just like putting a bad child in a dark closet without his supper."

"And only the worst prisoners are put in there. We have a dark room inside for the others who misbehave."

The cell is heartily disliked by prisoners. It is proverbial among them that a first offender enters the dungeon in high spirits, looking forward to a leisurely vacation.

But before long he is anxious to get out. Even a hard day's work in the fields or on the roads seems preferable to the silent, black life within the dungeon.

"I'd rather work a week," said one convict, "than stay one day in George Washington's monument." That's what they call the cell.

Civic authorities promised to "look into the matter." There was a well-founded report that the grand jury would make an investigation.

Crime - 1937

Virginia.

The Crime Conference

NORFOLK took a long step forward last week when those empowered with authority to make this a better city in which to live, sought the truth about crime and its attendant evils through the medium of a conference at which responsible leaders presented the crux of the problem factually and statistically.

The best way to arrest a disease is to diagnose the cause, study its ravages, and apply a positive remedy for its cure. This is what the crime conference did last week.

Out of it has come an awareness of public consciousness to the primary factors which create criminal incubators: poor housing; distressing economic conditions among the underprivileged; disintegration of a normal family life due to unemployment of the heads thereof; poor health of wage earners and other factors economic in their origin.

The conference happily revealed the determination of law enforcement authorities locally to attack crime before as well as after it has taken firm root in the community, and to deal primarily with the causes of crime rather than degrees of punishment.

The conference should give heart and hope to our Negro citizens as nothing else has done in recent years. It is particularly noteworthy that the Mayor, the City Manager, Members of City Council, leaders in business, medicine, law, religion, the press, education and social welfare, have reached what seems to be unanimous agreement that conditions are bad and should be remedied. That they have publicly expressed themselves to this effect marks the dawn of a new era in Norfolk.

The whole community is greatly

indebted to Colonel Borland, Director of Public Safety, for his able leadership in the Crime Conference movement.

THE ISSUE

(Editor's Note: In view of the decision of Judge John H. Ingram sustaining Police Justice Eben C. Fowlkes in the case of the City of Richmond against Josephus Simpson we deem it appropriate to reprint an editorial which appeared in the RICHMOND PLANET issue of February 20, 1937, setting forth the position of this newspaper in the matter. Our reaction to the ruling of Judge Ingram is essentially the same as it was to the decision of Justice Fowlkes.)

THE RICHMOND PLANET has no inclination nor desire to try in the newspaper the case of Josephus Simpson, a PLANET representative, who was arrested by police officers and fined by Justice Eben C. Fowlkes for refusing to move on when ordered to do so by the police.

It still has faith in the courts, notwithstanding the Fascist tendencies of the age, and is still willing to abide the final results with confidence. We feel, however, that the public is entitled to an authentic statement of fact. We also feel that the issue involved, as a result of the action of the police and the decision of the police justice, should be clearly stated and that issue joined. Our position is simply this; that to admit for a moment that a newsman's method of gathering news on the streets of Richmond is dependent upon the mood or resides within the discretion of the police officers is equivalent to waiving a fundamental right which is guaranteed under the Constitution of Virginia and under the Constitution of the United States.

We cannot submit, without exhausting every legal remedy, to a police dictatorship or to a police censorship of the news

carried in the RICHMOND PLANET.

We desire to cooperate with police officers and other law enforcement officers, but, we also owe a duty to the reading public. Police officers invariably appear as witnesses for the prosecution. Justice dictates that on some occasions, we appear as witnesses for the defense. We cannot "Move On" at the whims of a police officer without surrendering an inherent right to give an impartial version of happenings on the streets of Richmond to the reading public. Courtesy cards and all other extraneous matter are beyond the issue. The right of our reporters to get the news without molestation by police officers constitutes our protests and is the motive for our appeal from the decision of Justice Fowlkes. Of course, we are equally insistent that our reporters demean themselves, at all times, like gentlemen and in accordance with the highest traditions of their profession.

The issue is vital with this newspaper and we cannot in good conscience and with respect to duty devolved upon us accept any compromise.

Charlottesville, Va. Progress
July 19, 1937

Colored People To Protest Brutality

RICHMOND, July 19—(AP)—Dr. J. M. Tinsley, colored dentist, and president of the Richmond branch, National Association for the Advancement of Colored People, said a mass meeting has been called for tonight to protest acts of alleged brutality of Richmond police in a near riot on July 9.

Tinsley said "we also will ask for warrants for the arrest of the police who used their fists and clubs liberally" in the disturbance that followed an altercation between a store proprietor and a colored man over change for a bill.

A MEAN CITY

The October docket of the Hustings Court of Richmond is crowded with homicide cases in which Negroes are principals. Two killings as of this writing are this week's toll while another is imminent.

Maiming and wounding are too numerous to mention. The police blotter, in this respect, is a disgrace insofar as Negro Richmond is concerned. What can be done to remedy this deplorable condition? "Richmond is no mean city." Playing upon the pun, however, it is a mean city where personal safety and human life is so insecure.